Government of Kerala
1983

Reg. No. KL/TV(N)/13



12-x-83

KERALA GAZETTE

SUPPLEMENTS

PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Tuesday, 5th July 1983 / 14th Ashadha 1905 (Saka) [No. 27

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Kerala Gazette No. 27 dated 5th July 1983
PART I





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Abstract

KERALA FREEDOM FIGHTERS PENSION SCHEME—PAYMENT OF PENSION—ACCOUNTING PROCEDURE AND MODE OF PAYMENT MODIFICATION—ORDERS ISSUED

GENERAL ADMINISTRATION (FFP-B) DEPARTMENT

G.O.(P) 126/83/GAD. *Dated, Trivandrum, 3rd June* 1983.

Read :—1. G.O. (P) 143/71/PD. dated 22-5-1971.
2. G.O. (P) 446/71/PD. dated 23-12-1971.
3. Letter No. A3-31266/82 (i) dated 15-10-1982 from the District Collector, Alleppey.

ORDER

Rule 8 of the accounting procedure and mode of payment of Freedom Fighters' Pension appended to the Gove nment order read as 2nd paper above, inter alia, requires that a Gazetted Officer authorised by the District Collector should sign the money order forms and initial the entries in the register (Form FFP.—'B') after carefully comparing the concerned documents. Certain District Collectors have expressed difficulty in adhering to this rule, because the few Gazetted Officers in the Collectorates generally do not get time to attend to this item of work. As a result, the money order forms are signed by Gazetted Officers only in some Collectorates while in the remaining Collectorates the Non-Gazetted Supervisory Officers sign the forms. A uniform procedure is therefore considered necessary in the matter.

2. Government have considered the above matter in consultation with all the District Collectors and they order that for the existing rule 8 of the Accounting Procedure and Mode of payment under the Kerala Freedom Fighters' Pension Scheme prescribed in the Government order second read above, the following shall be substituted :

G. 962

AMENDMENT

"8. Every Money Order form will be stamped prominently with the words "Kerala Freedom Fighters' Pension" with a red ink stamp. Similarly the money order acknowledgement should be stamped with the words "Kerala Freedom Fighters' Pension", the month to which the pension relates being added in manuscript at the time of issuing the money order. It should be particularly borne in mind that before the issue of a money order, correct and complete information is given as to the name and address of the payee. An officer not below the rank of Junior Superintendent in the Collectorate should sign the money order. A Gazetted Officer authorised in this behalf should initial the entries in the Register (Form FFP-B) after carefully comparing the concerned documents".

By order of the Governor,
P. VISWANATHAN NAIR,
Additional Secretary to Government.

To

All District Collectors
The Accountant General (This issues with the concurrence of Finance Department)
The Finance Department (Vide U. O. No. 29538/Pen. C3/83/Fin. dated 2-5-1983)
The Superintendent of Govt. Presses, Trivandrum
The Secretary to Government of India, Ministry of Home Affairs, New Delhi (with C.L.)
The Secretary, Board of Revenue



GOVERNMENT OF KERALA

Abstract

INTEGRATION OF SERVICE — CO-OPERATIVE DEPARTMENT— FINAL INTEGRATED GRADATION LIST OF U.D. CLERKS, GRADE II CO-OPERATIVE INSPECTORS ETC. OF THE T.C. AND MADRAS PERSONNEL AS ON 1-11-1956—APPROVED AND PUBLICATION—ORDERS ISSUED.

GENERAL ADMINISTRATION (SERVICES-G) DEPARTMENT

G.O. (P) No. 406/82/GAD. Dated, Trivandrum, 9th December 1982.

Read:—1. G.O. (P) 77/Pub (Int) dated 27-2-1967
2. G.O. (P) 356/70/PD dated 21-10-1970
3. G.O. (Ms) 122/76/PD dated 17-4-1976
4. Judgement of the High Court in O.P. No. 6619/71 filed by Sri P. L. Joseph
5. Letter No. 13/11/75-SR (S) dated 24-9-1980 from the Director, Department of P & AR, Ministry of Home Affairs, New Delhi
6. G. O. (P) 162/81/GAD dated 22-5-1981
7. Letter No. F-13/11/75 SR (S) dated 30-8-1982 from the Government of India, Department of P & AR. Ministry of Home affairs, New Delhi

ORDER

In the G.O. 1st read above, Government approved the final integrated gradation list of U.D. Clerks of the T G. and Madras personnel in the grade of Rs. 80-150 in the Department of Co-operation as on 1-11-1956. In the G.O. 2nd read above Government approved the final integrated gradation list of the equated categories of Grade II Co-operative Inspectors, Managers etc., of the T. C. and Madras personnel as on 1-11-1956. In the G. O. 3rd read above, the Government in consultation with the Government of India, issued orders to incorporate the name of Shri P.C. Antony in the list of Co-operative Inspectors, Grade II published in the G. O. 2nd read above on the ground that the post of Manager held by him on 31-10-1956 was interchangeable with the post of II Grade Co-operative Inspectors. According

to this order, Shri P.C. Antony was assigned rank No. 201 in the said list deleting his name from the list of U. D. Clerks and Shri L. Alosyous, who was then holding rank No. 201, in the list of grade II Co-operative Inspectors was assigned rank No. 204. The name of Shri A. Francis who was holding rank as Sl. No. 204 in the list was deleted and he was assigned rank No. 1 in the list of U. D. Clerks.

2. In the Judgment in O P. No. 6619 of 1971 filed by Shri P. J. Joseph, Circle Officer of Co-operative Department the High Court observed that the post of U. D. Clerk also was interchangeable with the post of Grade II Inspectors. On examining in detail the impact of the Judgment, the Government of India advised the State Government that as the Judgement has become final, the decision on the point whether the post of U. D. Clerk also is interchangeable with the post of Grade II Co-operative Inspectors has to be considered as having general application. In their letter 5th read above the Government of India conveyed approval for the merger of the two Seniority lists of U. D. Clerks and Grade II co-operative Inspectors as on 1-11-1956 and advised Government to circulate the provisional integrated seniority list amongst the affected parties calling for objections if any.

3. Accordingly the provisional combined list of the Grade II Co-operative Inspectors merging the two lists of Second Grade Co-operative Inspectors and that of U. D. Clerks of the Co-operative Department as on 1-11-1956 was drawn up incorporating the revision orderded in G.O. (Ms) 122/76,PD dated 17-4-1976 and published with the G. O. 6th read above, inviting objections if any, from the affected parties. Forty seven objections were received against the revised provisional list.

4. The objection petitions received have been examined. The main objection raised by the representationists is that the proposed merger of the two seniority lists of Second Grade Co-operative Inspectors and U. D. Clerks is highly belated and there is no sufficient justification for the Government to re-open the issue which was settled long ago. As regards this objection it is to be noted that the proposed merger is in pursuance of the judgement of the High Court of Kerala in Shri P. L. Joseph's case in O. P. No. 6619/71 which has become final in as much as it has not been challenged in appeal nor reversed. Further, the U. D. Clerks have all along been agitating for the inclusion of their names also in the list of the Second Grade Co-operative Inspectors and on this no final decision could be taken earlier. Therefore, the objection of the representation is not tenable and is rejected.

5. None of the petitioners except S/Sri P.C. Antony and C. G. Pavithran has made any complaint regarding their inter-se-seniority in the provisional list. According to Sri Antony, the rank assigned to him in the list as on 1-4-1956 of the T.C. State was 53 whereas the rank assigned to Shri A. Francis was 58. While assigning him rank in the list of Grade II Inspectors as on 1-11-1956 as amended by the G. O. dated 17-4-1976, Sri P.C. Antony was assigned rank as Sl. No. 201

whereas Sri Francis, before removal of his name from the list, was holding rank as Sl. No. 204. Shri Antony has, therefore, requested retoration of rank above Sri Francis in the combined Seniority list.

6. Shri Francis was assigned rank as Sl. No. 200 (a) in the preliminary list on the ground that, though he was Junior of Sri Antony, being a graduate he was entitled to the benefit of graduate non-graduate ratio of 3 : 1 and therefore he need not put in 7 years of service in the Department for being eligible for promotion as Grade II Co-operative Inspectors. But S/Sri P. G. Pavithran and C. V. Balan were also graduates and they entered service earlier than Sri Francis. They were also appointed to the equate category of Grade-II Inspectors Managers etc. on dates prior to that on which Sri Francis was appointed. Therefore it was not in order to have assigned a higher rank to Shri Francis. The rank of Sri Francis if correctly fixed will come below Sri L. Alosyous as 204 (a).

7 The State Advisory committee which met on 2-2-1982 recommended merger of the two seniority lists of U.D. Clerks and Grade II Co-operative Inspectors as on 1-11-1956 and assignment of rank of Shri A. Francis as 204 (a) below Shri L. Alosyous.

8. After having examined the matter in detail with reference to the objections raised against the provisional seniority list, recommendations of the SAC and clarifications furnished by the State Government, the Government of India in the letter read as 7th paper have conveyed concurrence for the approval of the combined seniority list of the U.D. Clerks and Grade II Co-operative Inspectors published with the G.O. 6th read above subject to the modification that the rank of Sri A. Francis will be fixed as 204 (a).

9. Government accordingly direct that the rank of Shri A. Francis be fixed as 204 (a) in the common gradation list below Shri L. Alosyous. The rank of K. M. Sreedharan will be corrected as 204 (b). With the above modification, Government approved the provisional seniority list published with the G. O. 6th read above as the final integrated gradation list of U. D. Clerks and Grade II Co-operative Inspectors of the Co-operative Department as on 1-11-1956. The approved gradation list is appended to this order.

10. The promotions so far made will be treated as provisional and will be reviewed on the basis of the final gradation list now approved.

By order of the Governor,
M. MOHAN KUMAR,
Special Secretary to Government.

To

The Registrar of Co-operative Society
Persons Concerned,
The Secretary, Kerala Public Service Commission (with C.L.)
Director, Department of P & AR, Ministry of Home Affairs, Government of India, New Delhi (with C.L.)
The Agriculture (C.E.) Department

Combined Integrated Gradation List of Grade II Managers, Head Clerks and U. D. Clerks, as on G. O. (P) 77 dated 27-2-1967 of Public (Integration) of General Administration

Sl. No.	Name	Qualifications	
		General	Special
(1)	(2)	(3)	
		(No change in respect of serial numbers 1 *to* 198	
199	P. Lekshmikutty Amma	E.S.L.C.	S.M. Test, Co-op. Test, Account Test (H) Typewriting and Shorthand (L)
200	K. P. Sukumaran Nair	E.S.L.C.	S.M. & Co-op. Test & Account Test
201	P. C. Antony	E.S.L.C.	S.M. & Account Test
201(a)	P. L. Joseph	E.S.L.C.	S.M. Test
202	C. G. Pavithran	B.Sc.	S.M. & Co-operative Test
203	C. V. Balan	B.A.	B L. D.H.C. Co-op. Test
204	L. Alosyous	S.S.L.C.	S.M. Test Account Test, Co-op. Test
204(a)	A. Francis	B.A.	H.D.C.
204(b)	K. M. Sreedharan	E.S.L.C.	Secretariat Manual Co-op. Jail Officers Test Part I, II & III & Account Test
205	P. K. Ravindranath (M)		
206	S. Ravindran Nair	B.A.B.L.	S.M. Test Co-op. Test

Co-operative Inspectors, Auditors, Liquidation Inspectors, 1-11-1956 (Vide G. O. (P). 356/70/PD. dated 21-10-1970 Department & G. O. (P) 162/81/GAD. dated 22-5-1981 (Services-G) Department.

Date of birth	Date of commencement of continuous service	Date of appointment to the present post (equated category)	Date of confirmation	Assigned date	Remarks
(4)	(5)	(6)	(7)	(8)	(9)
noted in G. O. (P) 356/70/PD dated 21-10-1970)					
4-5-1100	15-3-1122	9-3-1955	..	9-3-1955	
10-3-1099	16-3-1122	9-3-1955	..	9-3-1955	
7-11-1102	19-7-1951	6-7-1955	..	Rank assigned as per G. O. MS. 122/76/PD dated 17-4-1976	
12-7-1105	24-12-1126	24-12-1126	..	Rank assigned as per Judgment in O. P. No. 6619/71	
15-3-1106	29-7-1953	30-3-1955	..	30-3-1955	
15-8-1106	30-7-1953	30-3-1955	..	30-3-1955	
10-4-1105	21-8-1951	9-3-1955	..	29-3-1955	
25-12-1105	3-10-1953	1-5-1955	..	..	
12-7-1092	1-6-1950	5-7-1955	..	..	
22-1-1922		1-4-1955	..	1-4-1955	
3-10-1102	7-12-1953	30-3-1955	..	1-5-1955	

(1)	(2)		(3)
207	T. P. Mamootty (M)	B.A.	B.L.S M. Test Co-op. Test
208	P. Kumaran (M)	,,	,,
209	M. N. Narayanan (M)	,,	,,
209(a)	P. Thankamma	B.A.B.L.	Sectt. Manual Co-op. Test
209(b)	S. Appavu Achari	E.S.L.C.	Sectt. Manual Account Test & Co-op. Test
209(c)	P. K. Sukumaran	E.S.L.C.	Sectt. Manual & Account Test
209(d)	N. Nalini	B.Sc.	..
210	K. Chellappan	B.A.	..
211	N. D. Madhavan Nair	B.A.	H. D. C. Trav. and Madras P.
212	P. G. Sudhakaran	B.A.B.L.	..
213	M. K. Prabhakaran	B.A.	..
214	A. Amalraj	B.Com.	..
215	M. Thankappan	B.A.B.L.	Bar Council Exam.
216	P. J. Kuriakose	B.A. (Hons)	..
217	P. G. Sukumara Kurup	B A.	H·D.C.
218	A. P. Mukundan	B.A.	Account Test Co-op. Test
219	M. Prabhakaran Nair	B.A.	H.D.C.
220	A. Ambujakshan	B.Com.	Co-op. Test
221	K. C. Gopinath	B.A	..
222	K. K. Velappan	B.A., B.Com	
223	A. Manicka Menon	B.A., (Hon's)	..
224	E. Kannan Nair (M)	..	..
225	P. S. Mohammed Eso Rowather	B.A.	..
226	V. K. Parameswaran (M)	..	..
227	N. P. Kesavan Nair (M)	..	..
228	M. V. Jose (M)	..	..
229	M. Rajagopal (M)	..	..
230	A. R. Ramanathan (M)	..	..
231	P. Sridharan Nambiar (M)	..	..
232	M. Govindan (M)	..	..
233	C. V. N. Menon (M)	..	..

(4)	(5)	(6)	(7)	(8)
..	..	30-5-1955 ..	30 5-1955	O.D. in the Handloom Dept.
6-1-1922	..	2-6-1955 ..	2-6-1955	
13-7-1928	1-5-1950	18-6-1955 ..	18-6-1955	
7-11-1102	19-7-1951	6-7-1955 ..	..	
25-3-1105	15-11-1951	7-7-1955 ..	..	
20-10-1103	4-12-1951	8-7-1955 ..	..	
6-9-1105	11-3-1954	12-7-1955 ..	..	
7-9-1106	13-7-1955	13-7-1955 ..	6-7-1955	
3-11-1109	7.7-1955	7-7-1955 ..	7-7-1955	
15-12-1099	7-7-1955	7-7-1955 ..	7-7-1955	O. D.
10-8-1105	18-7-1955	18-7-1955 ..	7-7-1955	
31-1-1932	11-7-1955	11-7-1955 ..	7-7-1955	
15-7-1103	10-9-1955	10-9-1955 ..	7-7-1955	
29-8-1106	8-7-1955	8-7-1955 ..	8-7-1955	O. D.
4-10-1101	6.7-1955	6-7-1955 ..	8-7-1955	O. D.
4-11-1108	7-7-1955	7-7-1955 ..	11-7-1955	
19-4-1102	7-7-1955	7-7-1955 ..	13-7-1955	
28-2-1109	7-7-1955	7-7-1955 ..	13-7-1955	
23-8-1103	13-7-1955	13-7-1955 ..	18-7-1955	
10-12-1102	8-7-1955	8-7-1955 ..	11-8-1955	
	11-8-1955	11-8-1955 ..	11-8-1955	O. D.
	..	1-9-1955 ..	1-9-1955	
4-10-1104	11-8-1955	11-8-1955 ..	10-9-1955	
5-8-1920	..	6-1-1956 ..	6-1-1956	On deputation in the Hand-loom Department
14-9-1924	..	5-5-1956 ..	5-5-1956	
5-12-1930	..	5-5-1956 ..	5-5-1956	
8-4-1922	..	5-5-1956 ..	5-5-1956	
26-5-1924	..	5-5-1956	5-5-1956	
	..	5-5-1956 ..	5-5-1956	
17-7-1925	..	5-5-1956 ..	5-5-1956	
11-2-1923	..	5-5-1956 ..	5-5-1956	

(1)	(2)		(3)
234	P. M. K. Nambeesan (M)	..	..
235	M. Lekshmanan (M)	..	..
236	M. Gopalan (M)	..	..
237	S. Sreenivasan (M)	..	..
237(a)	I. C. Kunju Kunju	ESLC	Account Test
237(b)	C. Chandrasekharan Nair	B.A. B.T.	..
237(c)	K. Bennachan	B.A.	Sectt. Manual, Co-op. Test
237(d)	Baby Thomas	B.A.	Sectt. Manual Test
237(e)	Baby Joseph	B.A.	Sectt. Manual and Account Test
237(f)	N. Thygarajan	B.A.	..
237(g)	S. Krishna Warrier	B.A.	Sectt. Manual and Co-op. Test
237(h)	N. Ponnappan Achary	ESLC	Sectt. Manual, Acct. and Co-op. Test Civil Engg. M.C.T.E.
238	V. K. Sulaiman	B.A. B.L.	Block Level Extension. Officers Trg.
239	M. Masthankannu	B.A.	Account and Co-op. Test, Block Level Co-op. Officers Training
240	C. J. Joseph	B.A.	Account Test
241	A. A. Kunju Bava	B.Sc.	..
242	Jacob P. Zacharia	B.A.	H.D.C., Block Level Officers Training
243	C. Yesudas	M.A.	S. M. and Account Test
244	K. Joseph	B.Com.	Block Level Co-op. Officers Training
245	T. R. Govindan Kutty	B.Com.	Block Level Co-op. Officers Training
246	N. Sudhakaran	B.Com.	Block Level Co-op. Officers Training and Group Level Worker's

(4)	(5)	(6)	(7)	(8)	(9)
4-5-1925	—	5-5-1956	—	5-5-1956	
27-7-1929	—	5-5-1956	..	5-5-1956	
15-7-1928	—	5-5-1956	..	5-5-1956	
1-10-1929	..	5-5-1956	..	5-5-1956	O. D. in the Handloom Department
12-3-1090	7-8-1117	7-5-1956	..		
13-4-1104	11-7-1955	1-6-1956	..		
3-7-1101	14-7-1955	5-5-1956	..		
31-5-1932	13-7-1955	5-5-1956	—		
27-7-1108	8-7-1955	1-6-1956	..		
12-10-1105	7-7-1955	9-5-1956	..		
15-12-1100	11-7-1955	10-5-1956	..		
24-12-1105	17-1-1953	1-5-1956	..		
13-6-1102	10-9-1956	10-9-1956	..	27-8-1956	O. D.
20-6-1102	29-8-1956	29-8-1956	..	27-8-1956	O. D.
25-10-1930	30-8-1956	30-8-1956	..	27-8-1956	
13-12-1107	27-8-1956	27-8-1956	..	27-8-1956	O. D.
30-6-1927	30-8-1956	30-8-1956	..	27-8-1956	O. D.
25-10-1098	2-12-1952	27-8-1956	..	29-8-1956	O.D.
26-12-1106	30-8-1956	30-8-1956	..	29-8-1956	
8-12-1105	27-8-1956	27-8-1956	..	29-8-1956	O.D.
11-9-1104	29-8-1956	29-8-1956	..	30-8-1956	O. D.

(1)	(2)		(3)
247	G. Chandrasekharan Kartha	B.A.	H. D. C. Block Level Training in Co-op.
248	L. Somasundararaj	B.A.	Training in Co-operation and Block Level Co-op. Extension Officers Training
249	P. L. Anandan	B.A.	—
250	P. Padmanabha Pillai	B.A.	H. D. C.
251	T. V. Chellappan Pillai	B.A.	Block Level Co-op. Training
252	K. K. Samuel	B.A.	H. D. C. Block Level Co-op. Training

(4)	(5)	(6)	(7)	(8)	(9)
7-11-1930	29-8-1956	29-8-1956	..	30-8-1956	O. D.
27-10-1100	27-8-1956	27-8-1956	..	30-8-1956	O. D.
5-9-1929	27-8-1956	27-8-1956	..	30-8-1956	O. D.
13-9-1104	30-8-1956	30-8-1956	..	30-8-1956	O. D.
3-5-1106	30-8-1956	30-8-1956	..	1-9-1956	O. D.
8-11-1104	18-2-1954	1-9-1956	..	10-9-1956	

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G.O. (Rt.) No. 587/83/LBR. *Dated, Trivandrum, 22nd June 1983.*

The award of the Industrial, Tribunal, Quilon in respect of the dispute between the Managing Director, Kerala State Cashew Development Corporation, Kochupilamood, Quilon and a workman named Sri K. Sivadasan Pillai, Kaliamadathu House, Kilikolloor, Quilon-4 received by Government on 7-3-1983 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
K. Sivadasan,
Deputy Secretary to Government.

In the Court of the Industrial Tribunal, Quilon

(Dated this the 3rd day of March, 1983).

Present:

Sri. C. N. SASIDHARAN, B. Sc., B. L.

Industrial Tribunal

In

INDUSTRIAL DISPUTE No. 10/82 (OLD No. 4/80)

Between

The Managing Director, Kerala State Cashew Development Corporation, Kochupilamood, Quilon

(By Advocate Sri N. Krishnan Kutty, Trivandrum)

And

A workman named Sri K. Sivadasan Pillai, Kaliamadathu House, Kilikolloor, Quilon-4.

(By Advocate Sri Varinjam N. Ramachandran Nair, Quilon)

AWARD

Government of Kerala by G.O. (Rt.) No. 1022/73/LBR dated 21-8-1973 referred this Industrial Dispute between the above parties for adjudication. The reference was initially to the Industrial Tribunal, Alleppey and subsequently by orders of Government it was transferred to this Tribunal and re-filed in the present number. The issue referred for adjudication was:—

"Dismissal of Sri K. Sivadasan Pillai, Manager."

The Industrial Tribunal, Alleppey on a consideration of the facts and evidence, has passed an award on 19-11-1974, declaring that Sri Sivadasan Pillai cannot be considered as a workman coming under the purview of the Industrial Dispute Act and so cannot raise an Industrial Dispute.

Sri Sivadasan Pillai challenged the award before the Honourable High Court of Kerala in O. P. No. 4238/77. The High Court by judgment dated 21-2-1980, set aside the award and remitted back the matter to reconsider the question afresh. That is how the reference is now before me.

After remand no fresh evidence adduced by either side. The management has filed records of enquiry proceedings. The parties argued their case and I passed a preliminary order dated 3-2-1983, narrating all the details. Hence I shall extract the order here:—

ORDER

This reference relates to the dismissal of the Cashew Factory Manager by name Sri K. Sivadasan Pillai. He was dismissed after a domestic enquiry into certain charges. The enquiry was conducted by the Personnel Officer of the Cashew Corporation where Sri Sivadasan Pillai was working. The management justifies the dismissal on the ground that Sri Sivadasan Pillai, was guilty of gross misconduct of manhandling Sri Kuttan Pillai, a cooling worker on 27-4-1972 near the Factory Gate at Mynagappally. Sri Sivadasan Pillai while pleading innocence of the guilt further contends that domestic enquiry was not fair or proper.

In the forefront of their submission the management contended that the present reference is incompetent because Sri Sivadasan Pillai, is not a worker as defined in Section 2 (S) of the Industrial Disputes Act as amended. Sri Sivadasan Pillai, they alleged is a Factory Manager having managerial and administrative functions and hence not a worker. They also contended that domestic enquiry conducted was also in consonance with all principles of natural justice and has not vitiated for all or any of the reasons mentioned by Sri Sivadasan Pillai. On a reference to the Industrial Tribunal Alleppey, the Tribunal held that Sri Sivadasan Pillai is not a worker because he is endowed with managerial and supervisory powers. The matter was taken up before the Honourable High Court of Kerala by Sri Sivadasan Pillai in O. P. No. 4238/77. The High Court held as follows:—

> The only basis for the Tribunal to come to the conclusion that the petitioner was not a workman was the fact of his having the power to initiate disciplinary action. That was not a correct basis for coming to that conclusion. Power to initiate disciplinary proceedings is supervisory power, but it does not indicate managerial or administrative capacity. The decision of the Tribunal is thus vitiated by an error apparent on the face of the record.

Consequently the award was set aside and matter was remitted back to the Industrial Tribunal Alleppey to re-consider the question afresh. Subsequently it was transferred to this Tribunal on its constitution and that is how the matter is now before me.

After remand no fresh oral evidence was adduced by either side. But the management has produced the records of domestic enquiry.

Sri Sivadasan. Pillai contended that though he was employed in a supervisory capacity, he was not employed in a managerial or administrative capacity and much less "mainly in a managerial or administrative capacity" within meaning of Section 2 (S) (iii) and (iv) of the Industrial Dispute Act as amended for the purpose of deciding the question involved in this case it is convenient to extract the above section here.

(s) 'Workman' means any person (including an Apprentice) employed in any industry to do any skilled or unskilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be expressed or implied, and for the purposes of any proceeding under this Act in relation to an Industrial Dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute or whose dismissal, discharge or retrenchment has led to that dispute; but does not include any such person—

(i) who is subject to the Army Act, 1950 (XLVI of 1950), or the Air Force Act, 1950 (XLV of 1950), or the Navy (Discipline), Act 1934 (XXXIV of 1934) 2; or

(ii) who is employed in the Police Service or as an officer or other employee of a prison; or

(iii) who is employed mainly in a managerial or admininistrative capacity; or

(iv) who, being employed in a supervisory capacity, draws wages exceeding five hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.

And construing the above position the Supreme Court in Burmah Shell Oil Storage and distribution Co. of India Ltd. v. The Burmah Shell Management Staff Association. (AIR 1971 S.C. 922) has stated as follows:—

> "In determining the nature of employment of Mathai, and in holding that he is employed to do supervisory work, we have taken into account not only the work of supervision which he carries on in ensuring that the skilled and unskilled manual workmen employed under him are properly doing the work of repairs, maintenance, servicing and fabrication, etc., but also the fact that the workmen function under his control and direction that he allocates and reallocates work to them that he initiates disciplinary proceedings, etc. To the exercise of such powers is clearly a part of his supervisory duty".

In the light of the principle above stated I shall now proceed to consider whether Sri Sivadasan Pillai, is a worker. From the evidence adduced in this case it is clear that his salary is below Rs. 500 p.m. and he is, employed in a supervisory capacity. Even though he has got powers to initiate disciplinary proceedings against workers, is only part of the supervisory power and not in a managerial capacity. By the amending Act certain categories of persons are specifically excluded from the definition of workmen. One group of such excluded persons consiss of persons employed mainly in a managerial or administrative capacity. The decision must rest upon the nature of work assigned to and performed by the employer and whether it require initiative control and command.

In the present case evidence of the management is to the effect that Sri Sivadasan Pillai is empowered to take disciplinary action against workers working under him and that he has power of allocation and reallocation of work. These are attributes of a oers on exercising supervisory powers. Managerial and administive powers are of a much wider and extensive nature than powers of supervision over workmen including the powers of disciplinary action. Administrative and managerial powers cover areas relating to general management and administration of the establishment and are not restricted to discipline and control of the workmen employed in the establishment. The work done by a workmen in the establishment is only one aspect of the running of the undertaking. Hence a person who is invested only with powers of control of work and discipline of the workmen of the establishment cannot be given status of a person exercising managerial and administrative powers.

In the light of the above statement I have no hesitation to hold that Sri Sivadasan Pillai though exercising certain supervisory powers is only a worker as defined in the Industrial Dispute Act.

The workmen has challenged before me the proprietory of the domestic enquiry conducted by the personnel officer. The allegation against the workman was that on 27-4-1972 evening. Sri Sivadasan Pillai with two of his clerks manhandled a cooling worker, Sri Kuttan Pillai. At the enquiry, evidence was adduced by the management and the witnesses were. cross-examined by Sri Sivadasan Pillai. Nothing was brought out to discredit the evidence adduced by the management. Though ample opportunity was given for adducing oral evidence, Sri Sivadasan Pillai has not examined any witnesses. The enquiry was conducted after giving proper notice and affording opportunity to adduce evidence and the parties were also heard. It cannot be said that the enquiry was vitiated in any manner as alleged by the workman. The enquiry was just and proper. Even after remand no attempt was made for adducing fresh evidence though ample opportunity was afforded by me. The result of the above discussion is that the enquiry report is beyond challenge. Sri Sivadasan Pillai, who was expected to show self restraint and should have been sober and prudent in his action has behaved in an unruly manner bringing upon shame and lack of definity to the office which he held and also brought discredit to the Corporation

which employed him. The finding to this effect entered by the enquiry officer is one that could reasonably be reached. It cannot be treated as perverse or arbitrary. I uphold the finding of guilt by the enquiry officer.

All that remains is to consider whether the punishment awarded by the management calls for any interference at my hand. For consideration of this question the case is posted 3-2-1983."

Now the only question that remincs to be decided is the punishment to be awarded. The worker who was manhandled by Sri Sivadasan Pillai was fully drunk and was behaving disorderly in front of the Factory Gate. Such conduct on his part might have provoked Sri Sivadasan Pillai and he appears to have lost his self control. It is true that he should have retained his self control, but the above circumstances justify the imposition of a lesser punishment than a dismissal. In my opinion reduction of rank to the next lower grade will be adequate punishment in the circumstances of the case.

In the result I pass an award directing the management to re instate Sri Sivadasan Pillai in a post next below the grade to the post which was held by him at the time of dismissal without backwages.

Quilon,
3-3-1983.

G. N. SASIDHARAN,
Industrial Tribunal.

APPENDIX

Witness examined on the Management's side:

MW1. Sri P. G. Sukumaran Nair.

Witness examined on the workman's side:

W.W1. Sri Sivadasan Pillai.

Exhibits marked on the management's side:

Ext. M1. Office copy of the office order No. GDC/APPT/F.M./44/71 dated 28-6-1971 issued to Sri K. Sivadasan Pillai by the management.

" M2. Notice dated 13-7-1971 issued by the Manager of Factory No. 7.

" M3. Letter sent by the Manager of Factory No. 9 of the Head Office regarding the posting of certain workers.

" M4. Notice dated 25-3-1972 issued to the workers in the roasting section.

" M5. A forwarding letter dated 18-2-1972 sent to the Head Office by the Manager of factory No. 9.

Ext. M6. Notice dated 18-2-1972 issued to the maistrys and workers in the peeling section.

,, M7. Office note on Ext. M6 by the Managing Director dated 18-2-1972.

,, M8. Letter issued to the Factory Manager dated 24-2-1978 by the Managing Director.

,, M9. Notice issued to a peeling maistry dated 18-2-1972.

,, M10. Letter to the Manager by a peeling maistry.

,, M11. Notice to a peeling maistry dated 21-2-1972.

,, M12. Suspension order issued by the manager dated 21-2-1972.

,, M13. Notice to the Canteen Manager dated 17-3-1972.

,, M14. Staff Rules.

,, M15. Reply statement given by Sri Sivadasan Pillai to the Managing Director dated 5-5-1972.

,, M16. Domestic enquiry report of the enquiry officer dated 17-5-1972.

,, M17. Report on domestic enquiry dated 18-5-1972.

,, M18. Proceedings of the Managing Director.

,, M19. Show Cause notice dated 22-5-1972.

,, M20. Reply to the show cause notice by Sri Sivadasan Pillai dated 29-5-1972.

,, M21. Proceedings of the Managing Director dated 31-5-1972.

Kerala Cazette No. 27 dated 5th July 1983
PART I

COVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 626/83/LBR. *Dated, Trivandrum, 8th June 1983.*

The award of the Industrial Tribunal Alleppey in respect of the dispute between the Management of M/s. A. V. Thomas & Co. (India) Ltd., Willington Island, Cochin-3 (2) M/s. A. V. Thomas & Co. (India) Ltd., 22 Marshalls Road, Egmore, Madras-682001 and their workmen represented by the Ceneral Secretary, Cochin Commercial Employees Association, Cochin-682001 received by Covernment on 3-5-1983 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
K. SIVADASAN,
Deputy Secretary to Government.

In the Court of the Industrial Tribunal, Alleppey

(Dated, this the 7th day of April, 1983)

Present:

SHRI K. KANAKACHANDRAN, B.SC. LLB.
Industrial Tribunal

INDUSTRIAL DISPUTE No. 18/79.

Between

M/s. A. V. Thomas & Co., (India) Ltd., Willingdon Island, Cochin-3 (2) M/s. A. V. Thomas & Co., (India) Ltd., 22, Marshalls Road, Egmore, Madras-682001.

And

The workmen of the above concerns represented by the eneral Secretary, Cochin Commercial Employees Association, Cochin-682001.

Representations:–

M/s. Menon & Pai, Advocates, Ernakulam .. For *Management*

Sri M. Ramachandran, Advocate, Ernakulam. .. For *Union*

GA. 68/L.

AWARD

The Cochin Commercial Employees Union had raised an Industrial Dispute regarding the service conditions of one T. Y. Rahim who was working as delivery boy in the Management Company. The Industrial Dispute was referred to this Tribunal for adjudication with the following issues:—

1. Designation and duties of Sri T. Y. Rahim.
2. Basic Salary Scale.
3. Dearness Allowance.
4. House Rent Allowance.
5. Willingdon Island Allowance.
6. Local Delivery & Collection Allowance.
7. Working Hours.
8. Meals Bata.
9. Leave facilities.
10. Free Medical Aid.
11. Supply of Umbrella and Chappals.
12. Transfer.
13. Existing rights and previleges.
14. Retrospective effect.

2. Although the issues referred for adjudication are of general nature, but in effect those are concerned with one individual workman viz., T. Y. Rahim. It is not in dispute that the workman concerned T. Y. Rahim is no more in service of the management company. His services were terminated after a disciplinary proceeding. It is submitted at the Bar that his dismissal was a subject matter in an Industrial Dispute before the Labour Court, Ernakulam and the dismissal was unheld by the Labour Court.

3. A. V. Thomas and Company (India) Limited is a public Limited Company with a registered office at Madras. The workman concerned in the dispute T. Y. Rahim had joined the service of the management as a Casual Delivery Boy in the year 1972 at the daily wages of Rs. 7 which was later increased to Rs. 9 in the year 1975. After periodical revisions it was made to Rs. 10.50 in the year 1978. Initially the appointment was not on regular basis and only with effect from 1-7-1976 he was confirmed in the service.

4. I am not elaborating various issues raised in this dispute since the management has raised a preliminary issue with regard to the maintainability of this dispute. According to the management, the dispute now referred for adjudication will not come under the definition of 'Industrial Dispute' as defined in Sec. 2(k) of the I. D. Act.

5. It is stated in the counter statement that the union which has esponsed the cause of the workman concerned in the dispute has only one member in the management establishment and that lone member is none

other than T. Y. Rahim. All the employees of the Management company except Rahim had accepted the terms of settlement arrived at between the management and the employees regarding Service Conditions. It is further stated that the union which is now party in the dispute has no substantial membership to raise the dispute. Since substantial number of workers had not espoused the dispute, the issues referred for adjudication would not come under the comprehension of Industrial Dispute as defined in Sec. 2(k) of the Act.

6. Ext. M1 and M2 are two settlements arrived at between the employees and the management company. By an application dated 7-7-1982, the management made a plea that the question of maintainability of this dispute should be considered as a preliminary issue before going to the details of the various issues referred for adjudication. Accordingly both sides were heard and certain documents were also marked in these proceedings on concensus.

7. Ext. M1 is a settlement between the management company and the staff union. Ext. M1 had covered the cases of about 36 employees. This agreement was in force till 21-6-1980. After the expiry of Ext. M1 settlement, another settlement was also signed between the management company and the staff union. In this settlement, apart from the employees covered in Ext. M1 settlement, the cases of 6 delivery boys were also included.

8. By Ext. W2 letter dated 27-9-1978, an offer was made by the management company to enhance the pay including D. A. in the case of workman concerned in this dispute. This offer was in variation of the terms of settlement arrived at between the management and the rest of the employees working in the management. It is not in dispute that the union which had espoused the cause of the workman concerned has only one member in the management company. It is also not in dispute that in respect of all other employees their wages and other conditions of service are governed by Ext. M2 settlement now. Even at the time when T. Y. Rahim was in service, Ext. M1 settlement was in force in respect of all the employees except that of Rahim.

9. Evidently, the issues referred for adjudication are not those contemplated in Sec. 2-A of the I. D. Act to make an individual dispute into an industrial dispute. Then the test for treating this dispute as an industrial dispute is based on the fact that the persons who seek to support the cause of a workman must themselves be directly and substantially interested. The persons who are not employees of the same employer cannot be regarded as so interested to convert an individual dispute as an industrial dispute. The Supreme Court held in Bombay *Union of Journalist and others V. The Hindu* [1961 (II) LLJ 436] that to ascertain whether an individual dispute had acquired the character of industrial dispute, the test is whether at the date of reference the dispute was

taken up as supported by the union of the workmen of the employer against whom the dispute was raised by an individual workman or by an appreciable number of workmen.

10. By following the principles laid down by the Supreme Court in [1961 (II) LLJ 436], I can only hold that this dispute is not maintainable since there is no appreciable number of employees in the management company to espouse the cause of an individual workman. As stated earlier, the individual workman concerned in the dispute is the only employee who has membership in the Cochin Commercial Employees Union.

11. Therefore I have no hesitation in holding that this Industrial Dispute is not maintainable since the dispute is not raised by a union which has appreciable number of members in the Management company. In respect of the employees working in the management company the identical issues are covered by the settlement arrived at between the parties.

12. By relying on the principles laid down by the Supreme Court in Bombay *Union of Journalist and others V. The Hindu* [1961 (II) LLJ 436], I pass this award holding that the dispute referred for adjudication will not come within the purview of Industrial Dispute.

K. KANAKACHANDRAN,
Industrial Tribunal.

Appendix

Witness examined on the side of the Management:

MW1. V. O. Chacko, Executive Officer.

Exhibits marked on the side of the Management:

M1. Memorandum of settlement dated 23-6-1976.

M2. Memorandum of settlement dated 4-9-1980.

Exhibits marked on the Workmen's side:

W1. The Letter dated 19-9-1978 addressed to the Cochin Commercial Employees Association, Cochin.

W2. Copy of the letter addressed to the Deputy Labour Officer.

Kerala Gazette No. 27 dated 5th July 1983.

PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G.O. (Rt.) No. 217|83|LBR. *Dated, Trivandrum, 28th February* 1983.

The award of the Labour Court, Ernakulam in respect of the dispute between Smt. V. Janaky Amma Proprietress, G. B. Transport, Sreenilayam, Punkunnam, Trichur and the workmen of the above concern represented by the General Secretary, Trichur District Road Transport Labour Union, Janata Party Office, Trichur-1 received by Government on 22-2-1983 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,

K. SIVADASAN,

Deputy Secretary to Government.

IN THE LABOUR COURT, ERNAKULAM

Present:

SHRI N. SUKUMARAN, B.Sc., B.L.,

Presiding Officer

Friday, the 18th day of February, 1983

INDUSTRIAL DISPUTE No. 58 OF 1979

(Old No. I.D. 90 of 1977)

Between

Smt. V. Janaky Amma, Proprietress, G. B. Transport, Sreenilayam, Punkunnam, Trichur

And

The workmen of the above concern represented by the General Secretary, Trichur District Road Transport Labour Union, Janata Party Office, Trichur-1

AWARD

The issue referred for adjudication by Government as per G. O. (Rt.) No. 1467|77|LBR dated 25-11-1977 is the following:-

"Denial of employment to the following five workers.

1. K. Moidunny.
2. A. Gopinathan Nair.
3. A. A. Muhammed.
4. K. Narayanan.
5. K. R. Narayanan Nair."

The reference in the first place was to the Labour Court, Kozhikode where it was registered as I.D. 90 of 1977. Subsequent change in the territorial jurisdiction necessitated a transfer of the case to this Court and that is how it came up before me to be refiled in the present number.

2. The establishment involved is a proprietory transport concern. The Union objected to the appearance of a lawyer on behalf of the proprietress and she is represented by Shri Rama Menon, Office Manager of the Bus Owners' Association as permitted by me by my order dated 18-11-1981.

3. The case of the Union as per its claim statement is as follows:

Shri K. Moidunny was a permanent Checker under the management till 29-8-1977 when his services were terminated as per a memo issued to him. The allegation against him was that he failed to issue tickets to some of the passengers who travelled by K.L.R. 4872 on 26-8-1977. As a matter of fact the management had no such bus with registration No. K.L.R. 4872. Nobody had superchecked Moidunny's work on 26-8-1977 and the allegation that he failed to issue tickets to the passengers is false. Shri Moidunny had explained his innocence in the reply submitted by him on 2-9-1977. But thereafter the management did not do anything in the matter. It also did not provide work to Shri Moidunny. The denial of employment to Shri Moidunny is unjustifiable and therefore he is entitled to reinstatement with continuity of service and all other attendant benefits.

Shri A. Gopinathan Nair was a permanent Ticket Writer engaged by the management. He was denied employment with effect from 28-8-1977 without assigning any reason whatsoever. He was not issued any notice of termination. The denial is, therefore, unjust and he too is entitled to reinstatement with all benefits.

Shri A. A. Muhammed who was a permanent Driver, was denied employment as in the case of Shri Gopinathan Nair with effect from 26-8-1977. He also is entitled to reinstatement with all benefits.

Sarvasree K. Narayanan and K. R. Narayanan Nair were permanent Conductors. While so they were denied employment on 22-8-1977 and 3-8-1977 respectively. In their case also no reasons were stated for the denial. They are also entitled to reinstatement wtih all benefits.

According to the Union these five workmen enrolled themselves as members of the Labour Union and actively participated in its activities and the denial of employment to them was an act of victimisation for the Union activities.

4. The contentions of the management in its written statement are as follows:-

The reference is not maintainable. The five workmen were not employees of the management and there was no employer-employee relationship. This court therefore has no jurisdiction to adjudicate the dispute. It is true that Shri Moidunny had worked as a Checker for a few months. But he was never employed as a worker. He had no permanency also. The representatives of the management caught him red-handed when he permitted passengers to travel in the bus from Muthuvara without tickets. He then confessed his guilt.

Shri Gopinathan Nair was a Watcher of Guruvayoor Lodge belonging to the management. He was only permitted occasionally to go in the bus to train himself as a Conductor. He did not even get a licence. He was suspended and questioned in connection with a theft of a watch from the Guruvayoor Lodge. He is not a worker.

Shri A. A. Muhammed was only a temporary Driver employed occasionally in the leave vacancies of permanent Drivers. He was responsible for five accidents on such occasional employments.

Shri Narayanan Nair was a temporary Conductor in KLR 4412. That bus was converted into a lorry. Shri Narayanan was only a trainee. His training lasted only for 34 days. During that period he committed fraud.

Considerable loss has been caused by these persons to the management by blocking its buses on the way and making damage.

5. A rejoinder is filed by the Union reaffirming its claims and refuting the contentions of the management.

6. The evidence in the case consists of the testimony of four witnesses for the Union and an equal number for the management. Documents proved are Exts. W1 to W9 and M1 to M10.

7. The complaint of the union that these workers were denied employment on definite dates is not specifically denied by the management in its written statement. As a matter of fact the claims are not specifically answered in the written statement probably because it was not drafted by experts. The main trend of the defence in the pleadings as well as the evidence is that these five persons were temporary workmen employed occasionally in leave vacancies or on buses plying on the basis of temporary permits for short periods. It is admitted that the five persons involved in the reference were employed at least occasionally. Yet the management contends that there is no employer-employee relationship and therefore there is no industrial dispute available for adjudication. The jurisdiction of this court is also challenged on such contentions. It needs hardly be said that those contentions are not tenable in view of the fact that these persons were at least occasionally employed. Therefore I shall proceed to consider the case of the individual workman on the basis of the available material in evidence.

8. I shall first deal with the case of Shri K. Moidunny. Shri Moidunny has given evidence as WW1. In the claim statement or the rejoinder it was not mentioned as to when he started work as a Checker. The management has not given the details regarding his service either in the written statement or at the stage of evidence. Shri Moidunny as WW1 swears that he was continuously working as a Checker from February 1976 till 29-8-1977. The allegation that he was denied employment on 29-8-1977 is not denied. We have also Ext. W1 memo admittedly issued by the management on 29-8-1977 to Shri Moidunny wherein it is said that he did not issue tickets to passengers who travelled from Muthuvara in KLR 4872 on 26-8-1977 in the trip that started at 3.45 p.m. from Trichur on that day. He was asked to explain the discrepancy. He was also told in Ext. W1 that he need not work thereafter pending further steps. Shri Moidunny states in his evidence that he had submitted his explanations pleading innocence on 2-9-1977. That such an explanation was submitted is admitted by the Proprietress's son examined on her behalf as MW3. MW3 had also admitted that no further action pursuant to Ext. W1 was initiated. So this is a case where Shri Moidunny's services were terminated on the allegation that he committed a misconduct. No disciplinary proceedings were initiated on the basis of alleged misconduct. However the management had attempted to substantiate the allegation before this court. I shall examine as to how far the management had succeeded in its attempt.

9. MW1 is one of the conductors still employed by the management. He claims that he was the Conductor-in-charge on 26-8-1977 in the bus in which Shri Moidunny is alleged to have committed the misconduct. There is a dispute as to whether the management has a bus with register number KLR 4872 as mentioned in Ext. W1. It has come out in evidence that the real registration number is KLH 4872. It is common case that the management has such a bus. Evidently the description of the bus as KLR instead of KLH in Ext. W1 is the resultant of an inadvertant mistake. So we can proceed on

the basis that the misconduct was alleged in the matter of checking KLH 4872. What is stated by MW1 is that Shri Moidunny had entered the bus for checking and on a supercheck by MW3 it was detected that tickets were not issued to certain passengers and he had filed Ext. M10 complaint as directed by the management. MW3 gives evidence that he on 26-8-1977 superchecked Moidunny and detected that he failed to issue tickets. He states further that he had issued Ext. W1 memo for that misconduct. But Ext. W1 issued on 29-8-1977 does not make mention that there was a supercheck on 26-8-1977. It only states that the memo is with reference to Shri Moidunny's performance on 26-8-1977. Ext. M10 is a complaint filed by MW1 on 29-8-1977 regarding the conduct of Shri Moidunny on 26-8-1977. That narrates that Shri Moidunny failed to write tickets to passengers who travelled in the bus from Muthuvara on 26-8-1977. Ext. M10 is addressed to the Proprietor. But MW1 admits that by Proprietor he means her son examined as MW3. If as a matter of fact MW3 personally checked the bus and detected the irregularities on 26-8-1977 then there was no necessity or occasion for MW1 to file a report regarding that incident before MW3 after three days. If we go by Exts. W1 and M10 it would appear that there was no supercheck or detection by MW3 and that the action was initiated on the basis of Ext. M10. MW3 does not speak about the details of his performance in the supercheck said to have been made on 26-8-1977. MW1 was asked to give the details as to what all acts were done by MW3 in the bus in the process of superchecking. Then MW1 said that he does not know as to what all happened. MW1 had further admitted that Ext. M10 though signed by him was written by somebody else and he had signed it on fear of disciplinary action. The usual procedure in supercheck is narrated by MW1. He states that whenever there is such supercheck involving detection of irregularities the practice is to prepare a record of the same signed by the conductor and the driver. No such record is forthcoming. So the theory that there was a supercheck by MW3 on 26-8-1977 cannot be accepted. It is also important to notice in this connection that it is admitted by all concerned that normally the Checkers do not collect cash and that the conductor alone does it. The allegation is that Shri Moidunny withheld the issue tickets in order to misappropriate money. It is evident that he could not have appropriated the collection as it was the conductor who used to handle the money. When all these facts and circumstances are taken together the allegation that he committed a misconduct as mentioned in Ext. W1 is not at all established.

10. The Management has a case that Shri Moidunny had confessed his guilt when he was caught redhanded. That allegation is denied by him. There is no evidence whatsoever from which it could be said that there was such a confession. So there was no confession of guilt also as regards the incident that is alleged to have taken place on 26-8-1977. But the attempt made by the management by the production of Ext. M3 said to have been written by MW2 is concerning a different incident. MW2 is another Conductor of the management. He states that Shri Moidunny while on duty on 20-8-1977 entered the bus of which himself was the Conductor in a drunken stage and so Ext. M3 complaint was filed by him before the management. According to

the management Shri Moidunny had admitted the allegations in Ext.M3 by signing it as an admission of guilt. Shri Moidunny denies having made the endorsement and signature in Ext. M3. MW2 who was examined to speak about the genuineness of that endorsement states that Shri Moidunny was not present when he wrote Ext.M3 at the office of the management and that he did not see Shri Moidunny signing it. Ext. M3 is written on the letter pad of the management concern and according to MW2 it was written at the office in the absence of Shri Moidunny. Then it is not known as to how he could say that the endorsement and signature appearing in it were made and affixed by Shri Moidunny. Then the position is that there is no acceptable evidence to say that Shri Moidunny is a signatory to the document Ext. M3. So that document cannot be accepted as genuine and binding on Shri Moidunny. Even assuming that it is a genuine document it cannot be treated as a misconduct for the action of the termination of his services as the management did not initiate any action on its basis. The action was only as per Ext.W1 wherein the solitary instance mentioned is the failure to write the tickets for passengers on 26-8-1977. There is no other evidence to substantiate the allegation that Shri Moidunny was guilty of any misconduct. So the stand of the management that Shri Moidunny's services were terminated for a misconduct is not acceptable at all.

11. Another argument is that Shri Moidunny was only a temporary or casual checker and therefore his services could have been legitimately dispensed with. The Management argues that it had only five buses with pucca permits and a spare bus to start within 1976. G. B. Transport was a larger concern of a family. MW3's claim that the family business was partitioned allotting five buses to Smt. Janaki Amma early in 1976 with a spare bus and 17 permanent workers is not seriously disputed by the Union. The claim of MW3 is that five new buses were acquired in 1976 to replace the old buses which Janaki Amma had been allotted and that those buses were being plied with temporary permits of short duration of three months. The further claim is that some of these workers were occasionally employed as and when there were leave vacancies or temporary permits available. Ext. M4 admittedly is a copy of the notice circulated by the union wherein it is said that the management had 9 buses when 17 workers alone are permanent. Demands of the union for permanency of temporary workers are raised in that notice. Certain disputes were also raised before the conciliation officer regarding the issue of a claim of the temporary workers for permanency. There was also a strike following the alleged denial of employment to these five workmen. A settlement was arrived at before the Conciliation Officer on 24-11-1977 as per Ext. W6. In that settlement it was agreed that the dispute regarding these five workmen is to be referred for adjudication. The remaining temporary workers were reinstated without benefit of service during the strike. The Union expressed its regret for having resorted to an illegal strike. Thus it can be seen from the documents available that the management had only 17 permanent workmen and that it had some other temporary workers also. Admittedly these five workmen were not in the category of permanent workers as those permanent workers were workers allotted to Smt. Janaki Amma at the time of the partition and these five workers do not claim that they were in service even before the partition.

12. The services of Shri Moidunny even though he was a temporary worker could not have been terminated without observing the formalities if he had actually completed 240 days of service. The exact origin of his service was not mentioned in the claim statement or the rejoinder. So much so the management could not answer the claim for continuous service for more than 240 days in the written statement. The origin of service was introduced for the first time when Shri Moidunny was examined as WW1. The exact date is not mentioned even there. But he states that it was in February 1976. We have Ext. M1 and M2 appointment orders issued to Shri Moidunny by the Management. Ext. M1 dated 15-12-1976 is for six months. Ext. M2 dated 25-7-1977 is for another three months. The termination was effected before the expiry of the period mentioned in Ext. M2. MW3 had admitted that Moidunny was issued three appointment orders and there must necessarily be another one like Ext. M1 and M2. The appointment orders are retained by the management obtaining the signature of the concerned employee in token of having accepted the terms. There is no case that copies of the appointment orders are issued to the workers. So the workers are not in a position to produce documents in support of their claims regarding service. One of the other appointment orders as admitted by MW3 can relate only to a period prior to 15-12-1976. The term as per the admission of MW3 was three months. That means that Shri Moidunny must have worked for three months prior to 15-12-1976 also. That takes as to a period starting from 15-9-1976. The term of six months as per Ext. M1 must have expired on 15-6-1977. The next period as per the subsequent appointment order Ext. M2 starts only on 25-7-1977. It cannot be argued that Shri Moidunny was not serving in the interval as we have Ext. W3 direction issued by the management to Shri Moidunny to attend to some special duty on 5-6-1977. When all these documents are considered together it can safely be concluded that Shri Moidunny was working continuously at least from 15-9-1976 to 24-10-1977. The number of days must have naturally exceeded 240 days and so the termination of the services of Shri Moidunny without observing the formalities as prescribed by section 25F of the Industrial Disputes Act is illegal and ineffective. Shri Moidunny has to be deemed to be in service. Therefore he is to be reinstated with all benefits including continuity of service and arrears in back wages. He was only a temporary worker at the time of the termination and the status has to remain as such if his immediate junior had not been confirmed so far. The question of confirmation will have to be considered by the management in accordance with the availability of permanent vacancies.

13. Now we come to Shri A. Gopinathan Nair who is the next in order arrayed in the reference. There is no record to show that he was a Ticket Writer as claimed by the union. The defence is that he was only an employee of Guruvayur Lodge and he was occasionally allowed to practise as a conductor. Shri Gopinathan Nair had stated in his evidence as WW4 that he was working as a Ticket Writer from 1974 to 1977. When cross-examined he has stated that he was working as the manager of the Guruvayur Lodge and occasionally he was asked to work in the bus also. So his claim that

Exhibits marked on the management's side:

Ext M1 Appointment order dated 15-12-1976 issued to Shri K. Moidunny.
" M2 Do dated 25-7-1977.
" M3 A report dated 20-8-1977 regarding Shri Moidunny.
" M4 A printed notice dated 28-12-1977 issued by the Union.
" M5 Copy of a memorandum of settlement dated 21-6-1977.
" M6 Appointment order dated 6-2-1977 issued to Shri Narayanan Nair.
" M7 Appointment order dated 27-6-1977 issued to Shri K. Narayanan.
" M8 Copy of a memo dated 24-8-1977 issued to Shri Narayanan.
" M9 Photostat copy of a letter dated 19-11-1980 from the Trichur District Road Transport Employees Union, Trichur to Shri K. R. Sreeprakash.
" M9(a) Photostat copy of a settlement entered into between Shri Sreeprakash and the Union on 12-1-1981.
" M9(b) Photostat copy of a statement of Shri K. Narayanankutty dated 12-1-1981.
" M10 A report submitted to the management by the temporary Conductor Shri Narayanan Nambiar on 29-8-1977.

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 219|83|LBR. *Dated Trivandrum, 28th February,* 1983.

The award of the Labour Court, Ernakulam in respect of the dispute between The Superintendent, Koduvakarnam Estate, Peermade and the workmen of the above concern represented by the Secretary, Peermade Thottam Thozhilali Union, Peermade, received by Government on 16-2-1983 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,

K. SIVADASAN,

Deputy Secretary to Government.

IN THE LABOUR COURT, ERNAKULAM

Present:

SHRI N. SUKUMARAN, B.Sc., B.L.,

Presiding Officer.

Friday, the 21st *day of January,* 1983

INDUSTRIAL DISPUTE No. 30 OF 1980

Between

THE SUPERINTENDENT, KODUVAKARNAM ESTATE, PEERMADE

And

THE WORKMEN

Of the above concern represented by the Secretary, Peermade Thottam Thozhilali Union, Peermade.

Representations:—

Shri Joy Joseph, Advocate,
M|s. Joseph & Markos,
Advocates, Kottayam. *For Management.*

Shri P. K. Chithrabhanu,
Advocate, Kottayam. *For Union.*

AWARD

Two issues were involved in this reference made by Government as per G. O. (Rt.) No. 589|80|LBR dated 9-5-1980. One of them relating to the dismissal of Shri Doraraj was subsequently settled and therefore we are left with the other concerning the dismissal of Shri Antony.

II Shri Antony was dismissed after a domestic enquiry. I have found in my preliminary order dated 17-11-1982 that there was a proper and valid domestic enquiry. The correctness of the findings of guilt rendered by the enquiry Officer was also confirmed. Facts necessary for the disposal of the case have been narrated in that order which I shall here extract to make it a part of this award:—

"ORDER

Dismissal of two workmen are clubbed together in this reference. But the dispute concerning one of them Shri Doraraj had since been settled and therefore we are concerned only with that of the other Shri Antony.

2. Disciplinary proceedings were initiated against Shri Antony on the allegation that he on 13-8-1975 at about 5.15 p.m. entered fully drunk into the office room of the 2nd Division of the Estate where he was working, abused and threatened the Conductor Shri P. Chacko in the presence of Plucking Writer Shri Perumal and Shri Mohandas, a learner. The Conductor gave a written complaint before the Superintendent on the basis of which a charge-cum-enquiry notice was served on Shri Chacko fixing the enquiry to 19-8-1975. Shri Chacko applied for an adjournment of the scheduled enquiry which was thereupon adjourned to 22-8-1975. The Assistant Superintendent who framed a charge and initiated disciplinary proceedings acted as the Enquiry Officer and conducted the enquiry on 22-8-1975 in which the workman participated. Three witnesses for the Management and two for the workmen were examined. The management's witnesses were cross-examined by the workman himself. There was no presenting officer for the Management and the Enquiry Officer himself examined the Management's witnesses in chief and cross-examined the witnesses for the worker. The Enquiry Officer gave his findings to the effect that the workman is guilty of the charges. The workman was dismissed on the basis of those findings. It is the correctness of that dismissal that is being challenged before me.

3. The Union in its claim statement while pleading innocence of the charges complains that the domestic enquiry was held in violation of all principles of natural justice. It is further stated that the workman who was the Convener of the Estate Committee of the Union, was victimised on account of his Union activities. Yet another complaint is that the punishment of dismissal is too harsh to be sustained even assuming that the workman was guilty of the charges. Reinstatement with all benefits is what is claimed.

4. The Management in its written statement contends that the workman was really guilty of the misconduct attributed to him and that the same was well established in a properly conducted domestic enquiry. The allegation of victimisation is emphatically denied. The punishment, according to the Management, is proportionate to the gravity of the misconduct proved. Reinstatement cannot, according to the Management, be ordered in any event.

5. A rejoinder is also filed by the Union refuting the contentions of the Management and reaffirming the averments in the claim statement.

6. The validity of the domestic enquiry was tried as a preliminary issue. The Assistant Superintendent who conducted a domestic enquiry was examined as MW1. He proved Ext. M1 as the file containing the relevant papers concerning the domestic enquiry. His findings are Ext. M1 (a).

7. MW1 is not a Malayalee. He had recorded the proceedings in Ext. M1 in English. An argument is advanced by the learned counsel appearing on behalf of the Union that Shri Antony, an illiterate workman, could not understand the contents and implications of the record made in English and therefore the entire proceedings has to be discarded for that reason. But there is no such contention in the claim statement or the rejoinder filed by the Union. It is the admitted case that the workman had affixed his thumb impression at all relevant places in the enquiry record. The record shows that there was an interpreter at the enquiry and that interpreter participated in the proceedings with the approval of the workman. There is no case for the Union that the interpreter did not participate in the proceedings. The evidence recorded in Ext. M1 shows the workmen was cross-examining the witnesses with particular reference to their statements in the chief examination. So the claim of MW1 that the proceedings were properly interpreted by the interpreter and that a true account of the depositions of the witnesses were recorded can be accepted as correct. The failure of the Union to raise this issue in the pleadings is also important. In these state of affairs the argument on the basis that the proceedings were recorded in English cannot be accepted as a circumstance vitiating the enquiry.

8. Another objection is that the disciplinary authority himself conducted the enquiry acting as a judge and Prosecutor and therefore the whole enquiry has to be discarded. It is well settled that the Enquiry Officer can act as the Judge as well as a Prosecutor. There is also no basis for the complaint that the disciplinary authority cannot conduct the domestic enquiry. The very term "domestic enquiry" implies an internal affair. It is unnecessary to depute the task of conducting the enquiry to an outsider or a subordinate officer. We have also to consider the circumstance under which disciplinary proceedings were initiated. The de facto complainant is the conductor and the only other superior officer available in the Estate is the Assistant Superintendent. So there was no possibility for appointing someone other than the

Assistant Superintendent as the Enquiry Officer from the establishment. In a domestic enquiry the main consideration is as to whether sufficient opportunity was given to the workman to prove his innocence. No particular bias is attributed to the Assistant Superintendent MW1 apart from the allegation that the workman was an active Union worker. In this background the complaint that MW1 should not have conducted the enquiry has really no basis.

9. Yet another complaint is that the workman was not given an opportunity to file his explanations to the charge. As already mentioned a charge-cum-notice of enquiry was served without asking the workman to file his explanations. In other words there was no show cause notice in the first instance. But there is no rule that insists on a show cause notice prior to the framing of the actual charge. So the failure to issue a show cause notice giving an opportunity to file his explanations did not violate the principles of natural justice.

10. One other complaint is that the workman was not served with a copy of the written complaint filed by the Conductor and the list of witnesses intended to be examined at the enquiry in advance and therefore the workman could not prepare himself for a proper cross-examination of the witnesses. But the workman did not raise such a complaint before the Enquiry Officer. All that he did on receiving the charge-cum-enquiry notice was to apply for an adjournment on the ground of personal inconvenience. The adjournment was granted and the workman readily participated in the enquiry on the adjourned date. He did not express any difficulty in proceeding with the enquiry in the absence of advance information regarding the witnesses who were intended to be examined or a copy of the complaint said to have been filed by the conductor. If actually he had any genuine difficulty in proceeding with the enquiry for want of sufficient materials for cross-examining the witnesses it was open to him to ask the Enquiry Officer to furnish him the details and to grant an adjournment for cross-examination of the witnesses. Having not done that at the appropriate stage he cannot now complain that he was really handicapped. In this connection it is also important to notice that the three witnesses examined were all employees of the same establishment well known to the workman. The substance of the complaint was also given in the charge. No new materials were introduced at the enquiry. The statement of the allegation is a simple incident which does not include any complicated details. So in any event want of prior information regarding the witnesses could not be said as a circumstance causing difficulty to the workman to have an effective defence. So this objection regarding the enquiry is also not of serious consequence.

11. The other criticism is that the workman was not given assistance at the enquiry. But the workman did not ask for the assistance. It is true that he is an illiterate person. But it was open to him to seek the assistance of someone else if he really wanted it. Having not done that it cannot be said that he was denied a legitimate right. So this objection is also not really available.

12. From what has been stated above it can be seen that the enquiry was properly conducted in accordance with the principles of natural justice.

13. Victimisation is also attributed to the Management. The claim that Shri Antony was the Convener of the Estate Committee of the union is admitted by MW1. But he denies the allegation that disciplinary action was initiated by way of victimisation. It is admitted by the workman himself in his statement before the Enquiry Officer and through the examination of his witnesses that he was present at the office at the relevant time and that there was some development involving himself and the Conductor. The trend of the defence is that he approached the Conductor to press his claim for enlistment of his son and daughter-in-law as workers of the estate. The defence witness would say that nothing else happened even though they have stated further that the Conductor was shouting at Antony. The Conductor had filed a complaint and the management initiated action on its basis. It cannot be said that the management cooked up a false case simply to victimise Shri Antony. On the other hand the Management acted bona fide on the basis of a complaint received from one of the subordinate officers. The fact that Shri Antony happened to be the Convenor of the Estate Committee need not necessarily mean that the Management had a motive to victimise him as the union activity was in existence in the Estate admittedly for several years. Hence the complaint of victimisation cannot also be sustained.

14. There is no contention for the Union that the findings are perverse. However it was argued before me that the findings cannot be supported on the basis of the evidence available. The Complainant, the Conductor, another Field Writer and a learned alone were examined on the side of the Management. The argument is that no ordinary worker of the estate was examined. The incident took place in the office where even according to the defence witnesses no one else was present. Hence it cannot be said that pertinent witnesses were omitted. The three witnesses examined on the side of the Management have given uniform versions that Shri Antony appeared in the office room while they were working, in an aggressive mood and threatened and abused the Conductor. The two defence witnesses would say that there was no abuse but only a plea for enlistment of Antony's son and daughter-in-law. But they also say that there was some sort of shouting which according to them came from the Conductor. If nothing abnormal happened apart from a representation as claimed by Shri Antony and his witnesses then there was no necessity or occasion for such shouting. Hence the case of the defence witnesses that nothing unusual happened cannot be accepted. The versions of the Management witnesses are, therefore, to be accepted. When that is the position the finding of guilt rendered by the Enquiry Officer cannot be termed as perverse. On the other hand it is a reasonable conclusion on the available evidence. So that finding can also be confirmed and I do so.

15. In the result it is hereby found that there was a valid and proper enquiry. The findings are also confirmed."

III. After the above preliminary order the Manager of the Estate was examined as MW2. He had proved Exts. M2 to M4 service records of Shri Antony to show that he has certain previous punishments to his credit. Shri Antony gave evidence as WW1 and he states that he was not really guilty of the misconducts shown in Exts. M2 to M4. But it is admitted by him that he was awarded the punishments shown in Exts. M2 to M4. The punishments are suspension for one day on 29-9-1959 for cutting and removing a branch of an albezia tree from Field No. 7 of the Estate on 22-9-1959, suspension for four days with effect from 1-4-1971 for absence without leave and suspension for 8 days from 10-2-1975 for conducting a liquor shop in the Estate without permission of the Management. It can be seen from the records that the suspension from 1-4-1971 was for absence during the period when Shri Antony was undergoing sentence in the jail. He was jailed in connection with an agitation in some other Estate belonging to a different Management. Shri Antony had applied for leave from the jail. But the leave was refused and the punishment awarded after a disciplinary proceedings. It is the admitted case that Shri Antony was the Convener of the estate unit of his Union.

IV. All that remains to be considered is as to whether Shri Antony is entitled to any reliefs in the matter of punishment using my discretion as per Sec. 11-A of the Industrial Disputes Act. The misconduct proved in the present case is using abusive language against the superior officer and threatening him. According to the Management Shri Antony whose antecedents are bad deserves the punishment of dismissal. It is also argued that he cannot in any event be reinstated as the Management had lost confidence in him. MW2 has given evidence that the Management can no more repose confidence in him. On the other hand the learned counsel for the Union vehemently argued for the position that the present misconduct is trivial and some minor penalty will be sufficient and proper. The learned counsel relies on the pronouncement of the Supreme Coudt in *Rama Kant Misra v. State of U.P.* (A.I.R. 1982 S. C. 1552) in support of this argument. There it was held that the dismissal for a similar misconduct is unsustainable and the bar of two increments instead will be sufficient. The Supreme Court had observed as follows:

> "What has happened here? The appellant was employed since 1957. The alleged misconduct consisting of use of indiscreet or abusive or threatening language occurred on November 18, 1971, meaning thereby that he had put in 14 years of service. Appellant was Secretary of the Workmen's Union. The respondent Management has not shown that there was any blameworthy conduct of the appellant during the period of 14 years' service he rendered prior to the date of misconduct and the misconduct consists of language indiscreet, improper or disclosing a threatening posture. When it is said that the language discloses a threatening posture it is subjective conclusion of the person who hears the language because voice modulation of each person in the

society differs and indiscreet, improper, abusive language may show lack of culture but merely the use of such language on one occasion unconnected with any subsequent positive action and not preceded by any blameworthy conduct cannot permit an extreme penalty of dismissal from service. Therefore, we are satisfied that the order of dismissal was not justified in the facts and circumstances of the case and the Court must interfere. Unfortunately, the Labour Court has completely misdirected itself by looking at the dates contrary to record and has landed itself in an unsustainable order. Therefore, we are required to interfere."

The above observations make it clear that the employee involved in that case had an unblemished past service and the extreme penalty was awarded for the first offence. But the position is different as far as the case in hand is concerned. Shri Antony admittedly has three prior punishments. Of course the absence on account of his incarceration for an offence which did not involve moral turpitude may not be a circumstance to say that his antecedents are bad. The other two punishments concern misconducts directly concerning the estate and the estate property. Shri Antony's case that he was not guilty of those misconducts cannot be accepted at this distance of time when it is admitted that he was awarded those punishments and that nothing further was done challenging the same. So the Management's case that the antecedents of Shri Antony are not satisfactory has to be accepted as correct. Still the extreme penalty of dismissal appeals too harsh to be sustained. Shri Antony is only an ordinary worker and it cannot be said that he is occupying a position where the management can no longer trust him as the position occupied does not involve any important or vital responsibilities. So Shri Antony can be reinstated without any sort of benefits for the broken period. Loss of wages and other benefits for the broken period will be sufficient punishment. But he will be entitled to the benefits of past services which has to be tacked on to be services that are yet to be rendered on reinstatement. It is made clear that the broken period will not be counted as service for any purpose.

V. In the result an award is passed directing the Management to reinstate Shri Antony as indicated above. Nothing need be said of Shri Dorarај as his matter had since been settled.

N. SUKUMARAN,
Presiding Officer.

Ernakulam,
21-1-1983.

APPENDIX

Witnesses examined on the Management's side:—

MW1. Shri J. Jayachandran
MW2. „ Somaiah

Witness examined on the Union's side:—

WW1. Shri Antony

Exhibits marked on the Management's side:—

Ext. M1. The file containing the papers of enquiry proceedings.
" M1(a). Findings of the Enquiry Officer. (in Ext. M1)
" M2. The file concerning the past records of Shri Antony.
" M3. Records of disciplinary cases of No. 2 Division (a register).
" M4. Enquiry proceedings against Shri Antony in Ext. M2 file.

കേരള സർക്കാർ

നിയമ (നിയമ നിർമ്മാണ-എ) വകുപ്പ്

വിജ്ഞാപനം

നമ്പർ 7058/ലജ്-എ2/83/നിയമം

തിരുവനന്തപുരം, 1983 മേയ് 4/
1905 വൈശാഖം 14.

1983 മേയ് 3-ാം തീയതി ഗവർണ്ണർ വിളംബരപ്പെടുത്തിയ താഴെ പറയുന്ന ഓർഡിനൻസ് പൊതുജനങ്ങളുടെ അറിവിനായി ഇതിനാൽ പ്രസിദ്ധപ്പെടുത്തുന്നു.

ഗവർണ്ണറുടെ ഉത്തരവു പ്രകാരം,
കെ. വിശ്വനാഥൻ നായർ,
സ്പെഷ്യൽ സെക്രട്ടറി (നിയമം).

1983-ലെ 17-ാം നമ്പർ ഓർഡിനൻസ്

1983-ലെ കേരള കണ്ടിജൻസി ഫണ്ട് (ഭേദഗതി) ഓർഡിനൻസ്

ഇൻഡ്യൻ റിപ്പബ്ലിക്കിന്റെ മുപ്പത്തിനാലാം സംവൽസരത്തിൽ കേരള ഗവർണ്ണർ വിളംബരപ്പെടുത്തിയത്.

1957-ലെ കേരള കണ്ടിജൻസി ഫണ്ട് ആക്റ്റ് വീണ്ടും ഭേദഗതി ചെയ്യുന്നതിനുള്ള ഒരു ഓർഡിനൻസ്.

പീഠിക.—കേരള നിയമസഭ സമ്മേളിച്ചിട്ടില്ലാത്തതിനാലും, സത്വര നടപടി എടുക്കേണ്ട സാഹചര്യം നിലവിലുണ്ടെന്ന് കേരള ഗവർണ്ണർക്ക് ബോദ്ധ്യം വന്നിരിക്കുന്നതിനാലും ;

ഇപ്പോൾ, അതിനാൽ, ഇൻഡ്യൻ ഭരണഘടനയുടെ 213-ാം അനുച്ഛേദം (1)-ാം ഖണ്ഡംമൂലം നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച്, കേരള ഗവർണ്ണർ താഴെപ്പറയുന്ന ഓർഡിനൻസ് വിളംബരപ്പെടുത്തുന്നു.

1. ചുരുക്കപ്പേരും പ്രാരംഭവും.—(1) ഈ ഓർഡിനൻസിന് 1983-ലെ കേരള കണ്ടിജൻസി ഫണ്ട് (ഭേദഗതി) ഓർഡിനൻസ് എന്ന് പേർ പറയാം.

(2) ഇത് ഉടൻതന്നെ പ്രാബല്യത്തിൽ വരുന്നതാണ്.

2. 1957-ലെ 6-ാം ആക്റ്റ് താൽക്കാലികമായി ഭേദഗതി ചെയ്യണമെന്ന്.—ഈ ഓർഡിനൻസ് നിലവിലിരിക്കുന്ന കാലയളവിൽ, 1957-ലെ കേരള കണ്ടിജൻസി ഫണ്ട് ആക്റ്റിന് (1957-ലെ 6) (ഇതിനുശേഷം പ്രധാന ആക്റ്റ് എന്നാണ് പരാമർശിക്കപ്പെടുക) 3-ാം വകുപ്പിൽ പറഞ്ഞിട്ടുള്ള ഭേദഗതികൾക്കു വിധേയമായി പ്രാബല്യം ഉണ്ടായിരിക്കുന്നതാണ്.

3. 2-ാം വകുപ്പിന്റെ ഭേദഗതി.—പ്രധാന ആക്റ്റിന്റെ 2-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിൽ "എണ്ണൂറ് ലക്ഷം രൂപ", എന്ന വാക്കുകൾക്കു പകരം "അൻപതുകോടി രൂപ" എന്ന വാക്കുകൾ ചേർക്കേണ്ടതാണ്.

പി. രാമചന്ദ്രൻ,
ഗവർണ്ണർ.

(ശരിതർജ്ജമ)

പി. ജഗദമ്മ,
അഡീഷണൽ ഹെഡ് ട്രാൻസ്ലേറ്റർ.



GOVERNMENT OF KERALA

Abstract

WELFARE OF EX-SERVICEMEN—AMALGAMATED FUND FOR THE RECONSTRUCTION AND REHABILITATION OF EX-SERVICEMEN—RULES FOR THE ADMINISTRATION OF THE FUND—AMENDMENT—ORDERS ISSUED

GENERAL ADMINISTRATION (POLITIGAL C) DEPARTMENT

G.O.(P) No. 140/83/GAD. Dated, Trivandrum, 17th June 1983.

Read :—1. G. O. (P) 88/77/GAD dated 10-3-1977.
2. G. O. (P) 447/79/GAD dated 4-8-1979
3. Letter No. SB-11-12978/80 dated 17-3-1983 from the Director, Rajya Sainik Board.

NOTIFIGATION

S.R.O. No. 804/83. Whereas application has been made to the Government of Kerala under clause (a) of subsection (1) of section 6 of the Charitable Endowments Act, 1890 (Central Act 6 of 1890), by the administrators of the Endowment Eund known as "Amalgamated Fund for the Reconstruction and Rehabilitation of Ex-Servicemen" for modifying the scheme settled for administration of the said Fund published under G. O. (P) 88/77/GAD dated the 10th March, 1977 in Part I of the Kerala Gazette No. 16 dated the 19th April 1977 :

Now, therefore, in exercise of the powers conferred by sub-sections (2) and (3) of section 5 of the said Act and with the concurrence of the administrators of the said Fund, the Government of Kerala hereby make the following modifications to the said scheme, namely:—

MODIFICATIONS

In the said scheme—for clause 16, the following clause shall be substituted, namely :—

16. *Operation of a joint account.*—The Managing Committee may obtain some amount of money in liquid cash from the Treasurer of Gharitable Endowments for day to day requirements and deposit such moneys

in one or more account of the State Bank of India or its subsidiaries or the Kerala Co-operative Bank Limited or the District Treasury or any Scheduled Bank, the deposit in which according to the last annual balance sheet are not less than Rs. 10 crores. Such account of the Fund shall be operated, on behalf of the Managing Committee, by the Chief Secretary to Government or any other Officer of the State Govcrment co-opted by the Managing Committee under clause 6(b) and authorised specifically in this behalf, and the Director, Rajya Sainik Board.

By order of the Governor

P. VISWANATHAN NAIR,

Additional Secretary to Government.

To

The Secretary to Government of India, Ministry of Defence, New Delhi (with C. L.)
The Secretary, Kendriya Sainik Board, New Delhi (with C. L.)
The Chief of Army Staff, New Delhi (with C. L.)
The Chief of Air Staff New Delhi (with C.L.)
The Chief of Naval Staff, New Delhi (with C.L.)
The General Officer Commanding in Chief (with C. L.)
The Director, Rajya Sainik Board, Trivandrum
The Examiner of Local Fund Accounts, Trivandrum
The Flag Officer Commanding-in-Chief, Southern Naval area, Cochin.
Commodore T. J. Kunnenkeril, AVSM (Retd.), 'Palathra', Aymanam, Kottayam-686015
Col. K. S. Pillai (Retd.), Soubhagya, Temple Junction, Sasthamangalam Trivandrum
Brig. C. C. Uthup (Retd.), Chirakkarote House, Vadavathur, Kottayam.
G. P. Capt. V. C. Nayanar (Retd.), Padmapuram, Pattannur, (via) Edayannur, Cannanore District
The Additional Secretary Government of India, Ministry of Defence, New Delhi (with C. L.)
The Director Resettlement, South Zone, Southern Command, Pune.
Ex- Sub Hon. Capt. V. Sreedharan, Raj Nivas, Thottam, Trivandrum.
The Secretary to Governor (with C. L.)
The Accountant General, Kerala
The Finance Department.
The Law Department
The Secretaries, Zilla Sainik Boards
The Deputy Secretary to Chief Secretary
The Confidential Assistant to Commissioner and S. S. (GAD).



GOVERNMENT OF KERALA

General Administration (Special-B) Department

NOTIFICATION

G. O. (P) No. 132/83/GAD. *Dated, Trivandrum, 10th June* 1983.

S. R. O. No. 805/83.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Service Act, 1968 (19 of 1968), the Government of Kerala hereby make the following Special Rules in respect of Special recruitment from among the members of Scheduled Caste/Scheduled Tribes to the post of Under Secretary to Government, in the Law Department.

RULES

1. *Short title, and commencement*:—(1) These Rules may be called the Special Rules in respect of the special recruitment of Scheduled castes and Scheduled Tribes to the post of Under Secretary to Government in the Law Department.

(2) They shall come into force at once.

2. *Educational qualification*:—No person shall be eligible for appointment to the post unless he has practice at the Bar for a period of not less than five years.

3. *Qualification regarding age*:—Must not have completed 40 years of age on the first day of January of the year in which applications are invited by the Kerala Public Service Commission.

4. *Training*:—Person selected to the post shall undergo training for a period of Six months from the date on which he/she joins duty in the Law Department. The period of training shall not count for probation. During the period of training he shall be entitled to the minimum pay and allowances attached to the post.

5. *Stipend*:—A person undergoing training under these rules shall be given stipend equal to the minimum of the scale of pay attached to the post of Under Secretary to Government plus the usual allowances.

Provided that if a person recruited under these rules was holding a regular appointment in any other post under the Government at the time of such recruitment shall be allowed to draw during the period of training the pay and allowances he was drawing in that post at the time of the recruitment if that would be advantageous to him.

6. *Probation*:—Every person appointed to the post shall from the date of completion of training, be on probation for a total period of two years on duty within a continuous period of three years.

7. *Tests*:—The probationer shall within the period of probation pass the Kerala Secretariat Manual Test if he has not passed the same previously.

By Order of the Governor,
P. K. UMASHANKAR,
Commissioner and Special Secretary to Government.

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport)

In G. O. (Rt) 3228/81GAD dated 11-5-1981 Government have ordered that one post of Under Secretary to Government in the Law Department, Government Secretariat be reserved for appointment by Special recruitment from among the Scheduled Castes/Scheduled Tribes. There is no provision for direct recruitment to the post of Under Secretary to Government, Law Department. Government therefore, consider it necessary to make special rules under the Public Service Act for the recruitment of Scheduled Caste/Scheduled Tribe candidates to the post of Under Secretary to Government in the Law Department. This notification is to achieve the above purpose.

To

The Secretary, Kerala Public Service Commission, Trivandrum-4
The Law Department/The G. A. (Employment Cell) Department
The G. A. (Rules) Department/The G. A. (Services-B) Department
The Stock File.

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport C) Department

NOTIFICATION

No. 25788/TC2/82/TF & P. *Dated, Trivandrum, 1st March* 1983.

S. R. O. No. 806/83.—Whereas representation has been received by Government from the Stage Carriage Operator Shri Najeeb, Eacham Veedu, Thevally, Quilon that the vehicle tax for the quarter ended on the 30th June, 1982, in respect of the Stage Carriage bearing Registration Number KLU. 9394, could not be remitted within the prescribed period due to financial strain and that extension of time for payment of vehicle tax in respect of this vehicle may, therefore, be granted;

And whereas, the Government are convinced that circumstances existed that the operator of the said stage carriage could not remit the vehicle tax in respect of the said stage carriage ordinarily kept for use in the State for the quarter ended on the 30th June, 1982 due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriage due to non-payment of tax would have caused great inconvenience to the travelling public;

And whereas, the Government consider it necessary to extend in public interest the time for payment of the vehicle tax for the quarter ended on the 30th June, 1982 in respect of the said stage carriage ;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that the vehicle tax for the quarter ended on the 30th June, 1982 in respect of the said stage carriage ordinarily kept for use in the State shall be paid on or before the 31st October, 1982 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the notification (5) No. 33942/TC2/75-5/PW. dated the 29th September, 1975 published as S. R. O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated 29th September, 1975.

By order of the Governor,
T. SANKARAN,
Additional Secretary to Government.

Explanatory Note

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification.)

Government have received representations from the Stage Carriage Operator as shown in the notification requesting extension of time for payment of vehicle tax for the quarter ended on the 30th June, 1982 due to financial strain.

Government are convinced of the position and in public interest, grant extension of time for payment of tax as otherwise these vehicles might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport-C) Department

NOTIFICATION

No. 31946/TC2/82/TF&P. *Dated, Trivandrum, 26th April,* 1983.

S. R. O. No. 807/83.—Whereas representation has been received by Government from the Stage Carriage Operator Shri K. K. Mohandas, Kundannur House, Civil Line Road, Trichur-4 that the vehicle tax for the quarter ended on the 30th June, 1982 in respect of the Stage Carriage bearing Registration Number KLH. 9610 could not be remitted within the prescribed period due to financial strain and that permission may be granted to remit the arrears of Vehicle tax in respect of this vehicle in ten monthly instalments;

And whereas, the Government are convinced that circumstances existed that the operator of the said stage carriage could not remit the vehicle tax in respect of the said stage carriage ordinarily kept for use in the State for the quarter ended on the 30th June, 1982 due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriage due to non-payment of tax would have caused great inconvenience to the travelling public;

And whereas, the Government consider it necessary to extend in public interest the time for payment of the vehicle tax for the quarter ended on the 30th June, 1982 in respect of the said stage carriage;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that the Vehicle tax for the quarter ended on the 30th June, 1982 in respect of the said stage carriage ordinarily kept for use in the State shall be paid on or before the 31st December, 1982 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the notification (5) No. 33942/TC2/75-5/PW. dated the 29th September, 1975 published as S. R. O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September, 1975.

By order of the Governor,
K. KARUNAKARAN,
Additional Secretary to Government.

Explanatory Note

This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification.)

Government have received certain representation from the Stage Carriage Operator as shown in the notification requesting extension of time for payment of vehicle tax for the quarter ended on 30th June, 1982 due to financial strain;

Government are convinced of the position and in public interest grant extension of time for payment of tax as otherwise these vehicles might be put out of operation for non-payment of tax causing great inconvenience to the travelling public

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GOVERNMENT OF KERALA

Home (E) Department

NOTIFICATION

G. O. RT. 1370/83/Home. *Dated, Trivandrum, 27th May* 1983.

S. R. O. No. 809/83.—Under subsection (1) of section 52 of the Kerala Land Acquisition Act, 1961 (21 of 1962), the Government of Kerala hereby withdraw from the acquisition of the land mentioned in the Schedule hereto annexed in respect of which land acquisition proceedings were initiated by the Deputy Collector (LA) Trichur by the issue of notification No. (1) E5-71795/77 dated the 22nd December, 1979, under sub-section (1) of section 3 thereof, published at page 348 of Part III of the Kerala Gazette dated the 5th February 1980 and the declaration No. K Dis 27820/80 dated the 14th August, 1980 under section 6 of the said Act, published at page 2515 of Part III of the Kerala Gazette dated the 18th November, 1980.

SCHEDULE

District—Trichur. *Taluk*—Mukundapuram

Village—Irinjalakuda

Sy. No.—587/2
Description—Purayidam
Extent in hectare—0.2064.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purpose.)

In 1979 the Deputy Collector (L.A.) Trichur had initiated acquisition proceedings for the acquisition of the land mentioned in the Schedule to the above notification for the construction of Police Station building at Irinjalakuda. But the owner of the land obtained stay on the proceeding from the High Court. As the litigation will delay the construction of Police Station building the Police Department decided to use the land acquired for Police quarter at the place. So it was decided to withdraw from the acquisition proceeding. The notification is intended to achieve this purpose.

എസ്. ആർ. ഒ. നമ്പർ 809/83:—1961-ലെ സ്ഥലമെടുപ്പ് ആക്റ്റ് (1961-ലെ 21) 52-ാം വകുപ്പു (I)-ാം ഉപവകുപ്പുപ്രകാരം കേരള സർക്കാർ ഇതോടൊന്നിച്ച് ചേർത്ത പട്ടികയിൽ പറഞ്ഞിട്ടുള്ളതും 1980 ഫെബ്രുവരി 5-ാം തീയതിയിലെ കേരള ഗസററ് 3-ാം ഭാഗം 348-ാം പേജിൽ പ്രസിദ്ധപ്പെടുത്തിയ പ്രസ്തുത ആക്ററ് 3-ാം വകുപ്പു (1)-ാം ഉപവകുപ്പുപ്രകാരമുള്ള തൃശൂർ ഡെപ്യൂട്ടി കളക്ടറുടെ (സ്ഥലമെടുപ്പു) 1979 ഡിസംബർ 22-ാം തീയതിയിലെ ഇ5-71795/77 (I) എന്ന നമ്പർ വിജ്ഞാപനം പുറപ്പെടുവിച്ചുകൊണ്ട് സ്ഥലമെടുപ്പു നടപടികൾ ആരംഭിച്ചിട്ടുള്ളതും 1980 നവംബർ 18-ാം തീയതിയിലെ കേരള ഗസററ് 3-ാം ഭാഗം 2515-ാം പേജിൽ പ്രസ്തുത ആക്ററ്, 6-ാം വകുപ്പു പ്രകാരമുള്ള 1980 ആഗസ്ററ് 14-ാം തീയതിയിലെ കെ. ഡിസ്. 27820/80 എന്ന നമ്പർ പ്രഖ്യാപനം പ്രസിദ്ധീകരിച്ചിട്ടുള്ളതുമായ സ്ഥലം വിലയ്ക്കെടുക്കുന്നതിൽ നിന്നും ഇതിനാൽ പിൻവാങ്ങുന്നു.

പട്ടിക

ജില്ല—തൃശൂർ

താലൂക്ക്—മുകുന്ദപുരം, വില്ലേജ്—ഇരിഞ്ഞാലക്കുട.

സർവ്വെ നമ്പർ—587/2

വിവരണം—പുരയിടം

വിസ്തീർണ്ണം—0.2064 ഹെക്ടർ

വിശദീകരണക്കുറിപ്പ്

(ഇതു വിജ്ഞാപനത്തിന്റെ ഭാഗമാകുന്നതല്ല. എന്നാൽ പൊതു ഉദ്ദേശം സൂചിപ്പിക്കുന്നതിനുദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്).

ഇരിഞ്ഞാലക്കുടയിൽ പോലീസ് സ്റേറഷൻ കെട്ടിടം നിർമ്മിക്കുന്നതിനു വേണ്ടി മുകളിൽ പറഞ്ഞ വിജ്ഞാപനത്തിലെ പട്ടികയിൽ സൂചിപ്പിച്ച ഭൂമി ഏറെറടുക്കാൻ വേണ്ടി 1979-ൽ തൃശൂർ ഡെപ്യൂട്ടി കളക്ടർ (സ്ഥലമെടുപ്പ്) സ്ഥലമെടുപ്പ് നടപടികൾ ആരംഭിച്ചിരുന്നു. എന്നാൽ ഭൂമിയുടെ ഉടമസ്ഥൻ ഹൈക്കോടതിയിൽ നിന്നും നടപടികൾ നിർത്തിവയ്ക്കുവാൻ ഉത്തരവ് സമ്പാദിച്ചു. പോലീസ് സ്റേറഷൻ കെട്ടിടനിർമ്മാണം വ്യവഹാരം മൂലം താമസിക്കുമെന്നുള്ളതുകൊണ്ട് പോലീസ് ക്വാർട്ടറിനു വേണ്ടി ഏറെറടുത്ത് സ്ഥലം ഉപയോഗിക്കുവാൻ പോലീസ് വകുപ്പ് തീർച്ചപ്പെടുത്തി. അതുകൊണ്ട് സ്ഥലമെടുപ്പു നടപടികളിൽ നിന്നും പിൻവാങ്ങാൻ തീരുമാനിച്ചു. ഈ ആവശ്യം നിറവേററാൻ വേണ്ടിയാണ് ഈ വിജ്ഞാപനം.

By order of the Governor,

P. V. Radhalakshmi,

Additional Secretary to Government.

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport-C) Department

NOTIFICATION

No. 24291/TC2/82/TF&P. *Dated, Trivandrum, 9th May* 1983.

S. R. O. No. 810/83.—Whereas representation has been received by Government from the Stage Carriage Operator Shri. A.J. Norberr, Assariparambil House, Karippalam, Cochin, Ernakulam that the arrears of Vehicle tax for the quarter ended on the 30th June, 1980, 30th September, 1980, 31st December, 1980, 31st March, 1981, 30th June, 1981, 30th September, 1981, 31st December, 1981, 31st, March, 1982, 30th, June, 1982 and 30th September, 1982 in respect of the Stage Carriage bearing Registration number KLH. 3048 could not be remitted within the prescribed period due to financial strain and that permission may be granted to remit the arrears of Vehicle Tax in respect of this vehicle in monthly instalments;

And whereas, the Government are convinced that circumstances existed that the operator of the said stage carriage could not remit the arrears of vehicle tax in respect of the said stage carriage ordinarily kept for use in the State for the quarter ended on the 30th June, 1980, 30th September, 1980, 31st December, 1980, 31st March, 1981, 30th June, 1981, 30th September, 1981, 31st December, 1981,31st March, 1982, 30th June, 1982 and 30th September,1982 due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriage due to non-payment of tax would cause great inconvenience to the travelling public;

And whereas, the Government consider it necessary in public interest to permit the stage carriage operator to remit the arrears of vehicle tax for the quarter ended on the 30th June, 1980, 30th September, 1980, 31st December, 1980, 31st March, 1981, 30th June, 1981, 30th, September 1981, 31st December, 1981, 31st March, 1982, 30th June, 1982 and 30th September 1982 in respect of the said stage carriage in equal monthly instalments;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that the arrears of vehicle tax for the quarter ended on the 30th June, 1980, 30th September, 1980, 31st December, 1980, 31st March, 1981, 30th June, 1981 30th September, 1981, 31st December, 1981, 31st March, 1982, 30th June, 1982 and 30th September, 1982 in respect of the said stage carriage ordinarily kept for use

in the state shall be paid in ten equal consecutive monthly instalments commencing from 24th January, 1983 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the Notification (5) No. 33942/TC2/75-5/PW. dated the 29th September, 1975 published as S. R. O. No. 876/75 in the Kerala Gazette Extraordinary No. 572, dated the 29th September, 1975.

By order of the Governor,

K. KARUNAKARAN,

Additional Secretary to Government.

Explanatory Note

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification.)

Government have received representation from the Stage Carriage Operator as shown in the notification requesting instalment facility for payment of vehicle tax for the quarter ended on 30th June, 1980, 30th September, 1980, 31st December, 1980, 31st March, 1981, 30th June, 1981, 30th September 1981, 31st December, 1981, 31st March, 1982, 30th June, 1982 and 30th September, 1982 due to financial strain;

Government are convinced of the position and in public interest, grant instalment facility for payment of tax as otherwise the vehicle might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.

Kerala Gazette No. 27 dated 5th July 1983.
PART I **Section Iv**

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport C) Department

NOTIFICATION

No. 27163/TC2/82/TF&P. *Dated, Trivandrum,* 16*th March* 1983.

S.R.O. No. 811/83.—Whereas representation has been received by Government from the Stage Carriage Operator Smt. Rosy Inasu, Puthenveettil House, Padukadu, Trichur, that the vehicle tax for the quarter ended on the 30th June, 1982 and 31st December, 1982, in respect of the Stage Carriage bearing Registration Number KLK 7701 could not be remitted within the prescribed period due to financial strain and that extension of time for payment of vehicle tax in respect of this vehicle may, therefore, be granted;

And whereas, the Government are convinced that circumstances existed that the operator of the said stage carriage could not remit the vehicle tax in respect of the said stage carriage ordinarily kept for use in the State for the quarter ended on the 30th June, 1982 and 31st December, 1982 due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriage due to non-payment of tax would have caused great inconvenience to the travelling public;

And whereas, the Government consider it necessary to extend in public interest the time for payment of the vehicle tax for the quarter ended on the 30th June, 1982 and 31st December, 1982, in respect of the said stage carriage;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that the vehicle tax for the quarter ended on the 30th June, 1982 and 31st December, 1982 in respect of the said stage carriage ordinarily kept for use in the State shall be paid on or before the 30th November, 1982 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the notification (5) No. 33942/TC2/75-5/PW. dated the 29th September, 1975 published as S.R.O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September, 1975.

By order of the Governor,

K. Karunakaran,

Additional Secretary to Government.

G. 749 [P.T.O.]

Explanatory Note

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification).

Government have received representation from the Stage Carriage Operator as shown in the notification requesting extension of time for payment of vehicle tax for the quarter ended on the 30th June, 1982 and 31st December, 1982 due to financial strain;

Government are convinced of the position and in public interest, grant extension of time for payment of tax as otherwise these vehicle might be put out of operation for non payment of tax causing great inconvenience to the travelling public.

Kerala Gazette No. 27 dated 5th July 1983.
PART I Section iv

12-7-83

GOVERNMENT OF KERALA

Abstract

KERALA BUILDINGS (LEASE AND RENT CONTROL) ACT, 1965—EXEMPTION OF—BUILDINGS NOS. XVII/291 AND XVII/291 A OF KOTTAYAM MUNICIPALITY OWNED BY VIDYARTHI MITHRAM PRESS AND BOOK DEPOT—ORDERS ISSUED.

PUBLIC WORKS (E) DEPARTMENT

G. O. (MS) No. 69/83/PW. *Dated, Trivandrum, 18th June* 1983.

NOTIFICATION

S. R. O. No. 812/83.—In exercise of the powers conferred by sub-section (1) of Section 25 of the Kerala Buildings (Lease and Rent Control) Act, 1965 (2 of 1965), the Government of Kerala hereby exempt buildings Nos. XVII/291 and XVII/291A of Kottayam Municipality owned by the Vidyarthi Mithram Press and Book Depot, Kottayam from the operation of the third proviso to clause (iv) of Sub-section (4) of Section 11 of the said Act.

By order of the Governor.
C. K. K. PANICKER,
Special Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The Partner and owner of Vidyarthi Mithram Press and Book Depot, Kottayam reconstructed the old buildings Nos. KMC XVII/291 and XVII/291A in Kottayam Municipality. This establishment is a registered Small Scale Industrial Unit. It was claimed that if any space in the building is let out, it will affect the scope of their operation and will result in retrenchment of labourers. Government after careful consideration feel that the Buildings Nos. KMC XVII/291 and XVII/291A of Kottayam Municipality owned by the Vidyarthi Mithram Press and Book Depot Kottayam be exempted from the operation of the third proviso to clause (IV) of Sub-section (4) of Section 11 of the Kerala Buildings (Lease and Rent Control) Act, 1965 (2 of 1965) under Subsection (1) of Section 25 of the said Act. This is intended to serve that purpose.

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport-C) Department

NOTIFICATION

No. 26840/TC2/82/TF&P. *Dated, Trivandrum, 1st March,* 1983.

S.R.O. No. 813/83.—Whereas representation has been received by Government from the Stage Carriage Operator Smt. Bhanumathi Amma Pulappayil House, Mamangalam, Cochin-25, Ernakulam District that the vehicle tax for the quarter ended on the 31st March, 1982, 30th June, 1982 and 31st December, 1982, in respect of the Stage Carriage bearing Registration Number KEE. 4150 could not be remitted within the prescribed period due to financial strain and that extension of time for payment of vehicle tax in respect of this vehicle may, therefore be granted;

And whereas, the Government are convinced that circumstances existed that the operator of the said stage carriage could not remit the arrears of vehicle tax in respect of the said stage carriage ordinarily kept for use in the State for the quarter ended on the 31st March, 1982, 30th June, 1982 and 31st December, 1982 due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriage due to non-payment of tax would have caused great inconvenience to the travelling public;

And whereas, the Government consider it necessary to extend in public interest the time for payment of the vehicle tax for the quarter ended on the 31st March, 1982, 30th June, 1982 and 31st December, 1982 in respect of the said stage carriage;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that the vehicle tax for the quarter ended on the 31st March, 1982, 30th June, 1982 and 31st December, 1982 in respect of the said stage carriage ordinarily kept for use in the State shall be paid on or before the 30th November, 1982 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the notification (5) No. 33942/TC2/75-5/ PW. dated the 29th September, 1975 published as S. R. O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September, 1975.

By order of the Governor,
K. KARUNAKARAN,
Additional Secretary to Government.

Explanatory Note

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification.)

Government have received representation from the Stage Carriage Operator as shown in the notification requesting extension of time for payment of vehicle tax for the quarter ended on 31st March 1982, 30th June, 1982 and 31st December, 1982 due to financial strain;

Government are convinced of the position and in public interest, grant extension of time for payment of tax as otherwise these vehicles might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.

Kerala Gazette No. 27 dated 5th July 1983.
PART I **Section iv**

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport C) Department

NOTIFICATION

No. 31267/TC2/82/TF & P. *Dated, Trivandram, 24th May,* 1983.

S.R.O No. 814/83.—Whereas representation has been received by Government from the Stage Carriage Operator Shri James Varkey, Vadayar Kara, Vaikom, Kottayam that the arrears of vehicle tax for the period upto 31st December, 1982 in respect of the Stage Carriage bearing Registration Number KRE. 794 could not be remitted within the prescribed period due to financial strain and that permission may be granted to remit the arrears of vehicle tax in respect of this vehicle in monthly instalments;

And whereas, the Government are convinced that circumstances existed that the operator of the said stage carriage could not remit the arrears of vehicle tax in respect of the said stage carriage ordinarily kept for use in the State for the period upto 31st December, 1982 due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriage due to non-payment of tax would cause great inconvenience to the travelling public ;

And whereas, the Government consider it necessary in public interest to permit the stage carriage operator to remit the arrears of vehicle tax for the period upto 31st December, 1982 in respect of the said stage carriage in equal monthly instalments ;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that the arrears of vehicle tax for the period upto 31st December, 1982 in respect of the said stage carriage ordinarily kept for use in the State shall be paid in five equal monthly instalments commencing from 15th December, 1982 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the Notification (5) No. 33942/TC2/75-5/PW. dated the 29th September, 1975 published as S. R. O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September, 1975.

By order of the Governor,

K. KARUNAKARAN,

Additional Secretary to Government.

G. 916.

[P.T.O.]

Explanatory Note

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification):

Government have received representation from the Stage Carriage Operator as shown in the notification requesting instalment facility for payment of vehicle tax for the period upto 31st December, 1982 due to financial strain.

Government are convinced of the position and in pub ic interest, grant instalment facility for payment of tax as otherwise the vehicle might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport C) Department

NOTIFICATION

No. 21833/TC2/82/TF&P. *Dated, Trivandrum,* 16*th March* 1983.

S.R.O.No. 815/83.—Whereas representation has been received by Government from the Stage Carriage Operator Shri Janardhanan, Thoottukottil, Pallanassery, Chittoor, Palghat that the arrears of vehicle tax for the quarter ended on the 31st December, 1981 and 30th June, 1982 in respect of the Stage Carriage bearing Registration Number KLG. 2484 could not be remitted within the prescribed period due to financial strain and that permission may be granted to remit the arrears of vehicle tax in respect of this vehicle in monthly instalments;

And whereas, the Government are convinced that circumstances existed that the operator of the said stage carriage could not remit the arrears of vehicle tax in respect of the said stage carriage ordinarily kept for use in the State for the quarter ended on the 31st December, 1981 and 30th June, 1982 due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriage due to non-payment of tax would cause great inconvenience to the travelling public;

And whereas, the Government consider it necessary in public interest to permit the stage carriage operator to remit the arrears of vehicle tax for the quarter ended on the 31st December, 1981 and 30th June, 1982 in respect of the said stage carriage in equal monthly instalments;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that the arrears of vehicle tax for the quarter ended on the 31st December, 1981 and 30th June, 1982 in respect of the said stage carriage ordinarily kept for use in the State shall be paid in 8 equal monthly instalments commencing from 1st September 1982 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the Notification (5) No. 33942/TC2/75-5/PW. dated the 29th September, 1975 published as S. R. O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September, 1975.

By order of the Governor,
K. Karunakaran,
Additional Secretary to Government.

G. 594 [P.T.O]

Explanatory Note

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification.)

Government have received representation from the Stage Carriage Operator as shown in the notification requesting instalment facility for payment of vehicle tax for the quarter ended 31st December, 1981, and 30th June, 1982 due to financial strain;

Government are convinced of the position and in public interest, grant instalment facility for payment of tax as otherwise the vehicle might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.

GOVERNMENT OF KERALA

Housing (A) Department

WITHDRAWAL NOTIFICATION

G. O. Rt. No. 9/83/Housing. *Dated, Trivandrum, 24th January* 1983.

S. R. O. No. 816/83.—Under subsection (1) of section 52 of the Kerala Land Acquisition Act, 1961 (21 of 1962), the Government of Kerala hereby withdraw from the acquisition of the land mentioned in the Schedule below in respect of which land acquisition proceedings were initiated by the Special Tahsildar, Land Acquisition, Kerala State Housing Board, Kozhikode, by the issue of Notification No. A-613/81 dated the 30th May, 1981, under subsection (1) of section 3 thereof, published in the Deshabhimani Daily dated the 9th June, 1981, and Malayala Manorama Daily dated the 12th June, 1981.

SCHEDULE

District—Kozhikode

Taluk—Kozhikode

Village—Katcheri

Ward I

Block 33

Survey No.—T. S. No. 1359.
Description—Garden.
Extent—1.2141 hectares.

Explanatory Note

(This is not part of the notification but is intended to indicate its general purport).

In 1980, the Special Tahsildar for Land Acquisition, Kerala State Housing Board, Calicut had initiated acquisition proceedings in Survey No. T. S. No. 1359 for the Katcheri Housing Accommodation Scheme, Kozhikode. The Kerala State Housing Board, in its meeting held on 25-6-1982, resolved to withdraw from acquisition proceedings in this case. The District Collector, Kozhikode has been asked to take further action in the matter by the Board. This notification is intended to achieve the above purpose.

എസ്. ആർ. ഒ. നമ്പർ 816/83.— 1961-ലെ കേരളാ സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21) 52-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരം, കേരള സർക്കാർ താഴെ കാണിച്ച പട്ടികയിൽ പറഞ്ഞിട്ടുള്ളതും 1981 ജൂൺ 9-ാം തീയതി യിലെ ദേശാഭിമാനി പത്രത്തിലും 1981 ജൂൺ 12-ാം തീയതിയിലെ മലയാള

മനോരമ പത്രത്തിലും പ്രസിദ്ധപ്പെടുത്തിയ 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പു പ്രകാരമുള്ള 1981 മേയ് 30-ാം തീയതിയിലെ എ 613/81 എന്ന നമ്പർ വിജ്ഞാപനം പുറപ്പെടുവിച്ചുകൊണ്ട് കോഴിക്കോട്, കേരളാ സ്റ്റേറ്റ് ഹൗസിംഗ് ബോർഡ് സ്പെഷ്യൽ തഹശീൽദാർ സ്ഥലമെടുപ്പ് സ്ഥലമെടുപ്പു നടപടികൾ ആരംഭിച്ചിട്ടുള്ളതുമായ സ്ഥലം വിലയ്ക്കെടുക്കുന്നതിൽനിന്നും ഇതിനാൽ പിൻവാങ്ങുന്നു.

പട്ടിക

ജില്ല—കോഴിക്കോട്

താലൂക്ക്—കോഴിക്കോട്

വില്ലേജ്—കച്ചേരി

വാർഡ് 1

ബ്ലോക്ക് 33

സർവ്വെ നമ്പർ റീ. എസ്. നമ്പർ. 1359

വിവരണം—നിലം

വിസ്തീർണ്ണം—1.2141 ഹെക്ടർ

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമല്ല, എന്നാൽ പൊതു ഉദ്ദേശം വ്യക്തമാക്കുന്നതിനുദ്ദേശിച്ചു കൊണ്ടുള്ളതാണ്.)

കോഴിക്കോട്, കേരള സംസ്ഥാന ഭവന നിർമ്മാണ ബോർഡ്, സ്ഥലമെടുപ്പ് സ്പെഷ്യൽ തഹശീൽദാർ റീ. എസ്. നമ്പർ. 1359 എന്ന സർവ്വെ നമ്പരിൽ കോഴിക്കോട്, കച്ചേരി ഹൗസിംഗ് അക്കോമഡേഷൻ സ്കീമിനു വേണ്ടി 1980-ൽ സ്ഥലമെടുപ്പ് നടപടികൾ ആരംഭിച്ചിരുന്നു. 1982 ജൂൺ 25-ാം തീയതിയിൽ നടന്ന യോഗത്തിൽ കേരള സംസ്ഥാന ഭവന നിർമ്മാണ ബോർഡ് ഈ കാര്യത്തിൽ സ്ഥലമെടുപ്പ് നടപടികൾ പിൻവലിക്കാൻ തീരുമാനിച്ചു. ഈ കാര്യത്തിൽ അനന്തര നടപടി സ്വീകരിക്കുവാൻ വേണ്ടി ബോർഡ് കോഴിക്കോട് ജില്ലാ കളക്ടറോട് ആവശ്യപ്പെട്ടിരുന്നു. ഈ ആവശ്യം നേടിയെടുക്കാൻ വേണ്ടി ഉദ്ദേശിച്ചിട്ടുള്ളതാണ് ഈ വിജ്ഞാപനം.

By order of the Governor,

N. Kaleeswaran,

Special Secretary to Government.

Kerala Gazette No. 27 dated 5th July 1983.
PART I

GOVERNMENT OF KERALA

Home (C) Department

WITHDRAWAL NOTIFICATION

G. O. Rt. No. 141/83/Home. *Dated, Trivandrum, 12th January* 1983.

S. R. O. No. 817/83:—Under subsection (1) of section 52 of the Kerala Land Acquisition Act, 1961 (21 of 1962), the Government of Kerala hereby withdraw from the acquisition of the lands mentioned in the schedule given below in respect of which notification No. Cl-56858/78 dated the 7th September, 1978 under subsection (1) of section 3 of the said Act has been published at pages 2885 and 2886 of Part III of the Kerala Gazette dated the 10th October, 1978 and declaration No. K. Dis. 15983/79/ LRC. C-3 dated the 11th April, 1979 has been published at pages 1 and 2 Part III of the Kerala Gazette No. 19 dated the 8th May, 1979.

SCHEDULE

District—Ernakulam

Taluk—Kanayannur *Village*—Ernakulam

Sy. No.	*Description*	*Extent (Hectares)*
723/4	Dry	0.1280
1564/2	,,	0.0049

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

In letter No. A1-1150/77 dated 5-7-1978 the Registrar of High Court has requested for the acquisition of the above lands along with the other properties for the purpose of construction of quarters for High Court Judges. Accordingly L. A. Proceedings were initiated and reached at the Award Enquiry Stage. It is represented by the Palace Administration Board that the piece-meal acquisition of the land will depreciate the value of the balance portion left out of acquisition. It is found that the objection is tenable. Hence it has considered to withdraw the L. A. Proceedings in order to avoid denial of road access to the major extent of 1 acre 38 cents of land. The Registrar of High Court has also agreed with this proposal. Hence this withdrawal notification.

എസ്. ആർ. ഒ. നമ്പർ—817/33.—1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21) 52-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പു പ്രകാരം കേരള സർക്കാർ ഇതോടൊന്നിച്ച് ചേർത്തിട്ടുള്ള പട്ടികയിൽ പറഞ്ഞിട്ടുള്ളതും 1978 ഒക്ടോബർ 10-ാം തീയതിയിലെ കേരള

ഗസററിൽ III-ാം ഭാഗത്തു 2885-ം 2886-ം പേജുകളിൽ പ്രസിദ്ധപ്പെടുത്തിയ 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പു പ്രകാരമുള്ള 1978 സെപ്റ്റംബർ 7-ാം തീയതി യിലെ സി1. 56858/78 എന്ന നമ്പർ വിജ്ഞാപനം പുറപ്പെടുവിച്ചു കൊണ്ടും 197 മേയ് 8-ാം തീയതിയിലെ 19-ാം നമ്പർ കേരള ഗസററിൽ III-ാം ഭാഗത്തു 1-ം 2-ം പേജുകളിൽ പ്രഖ്യാപനം പ്രസിദ്ധപ്പെടുത്തിക്കൊണ്ടും സ്ഥല മെടുപ്പു നടപടികൾ ആരംഭിച്ചിട്ടുള്ളതുമായസ്ഥലം വിലയ്ക്കെടുക്കുന്നതിൽ നിന്നും ഇതിനാൽ പിൻവാങ്ങുന്നു.

പട്ടിക

ജില്ല—എറണാകുളം.

താലൂക്ക്—കണയനൂർ.

വില്ലേജ്—എറണാകുളം.

സർവ്വേ നമ്പർ	വിവരണം	വിസ്തീർണ്ണം (ഹെക്ടർ)
723/4	പുരയിടം	0.1280
1564/2	പുരയിടം	0.0049

വിശദീകരണക്കുറിപ്പ്

(ഇതു വിജ്ഞാപനത്തിന്റെ ഭാഗമല്ല. എന്നാൽ പൊതു ഉദ്ദേശം വ്യക്തമാക്കുന്നതിനു ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.)

ഹൈക്കോടതി ജഡ്ജിമാർക്കുവേണ്ടി ക്വാർട്ടേഴ്സ് നിർമ്മിക്കുന്നതിന്റെ ആവശ്യത്തിലേക്കായി മേൽ സൂചിപ്പിച്ച ഭൂമി മററു സ്ഥലങ്ങളോടൊപ്പം എടുക്കുവാൻ വേണ്ടി ഹൈക്കോടതി രജിസ്ട്രാർ 1978 ജൂലൈ 5-ാം തീയതി യിലെ എ1. 1150/77 എന്ന കത്തു പ്രകാരം ആവശ്യപ്പെടുകയുണ്ടായി. അതു പ്രകാരം സ്ഥലമെടുപ്പ് നടപടികൾ ആരംഭിക്കുകയും അവാർഡ് എൻക്വയറി ഘട്ടം വരെ എത്തുകയും ഉണ്ടായി. കുറേശ്ശേയായുള്ള സ്ഥലമെടുപ്പു മൂലം സ്ഥലമെടുപ്പിൽ അവശേഷിച്ച സ്ഥലത്തിന് വിലയിടിവ് ഉണ്ടാവു മെന്ന് പാലസ് അഡ്മിനിസ്ട്രേഷൻ നിവേദനം നടത്തുകയുണ്ടായി. ഈ ആക്ഷേപം സ്വീകാര്യമായി തോന്നി. അതുകൊണ്ട് 1 ഏക്കർ 38 സെൻറ് ഭൂമിയുടെ മൂന്നിഭാഗം വിസ്തീർണ്ണത്തിൽ പ്രവേശന സൗകര്യം നിഷേധിക്കു ന്നതു ഒഴിവാക്കുന്നതിനുവേണ്ടി സ്ഥലമെടുപ്പു നടപടികൾ പിൻവലിക്കേണ്ട താണെന്ന് കരുതുന്നു. ഈ നിർദ്ദേശത്തോട് ഹൈക്കോടതി രജിസ്ട്രാറും സമ്മതിക്കുകയുണ്ടായി. അതിനാലാണ് ഈ പിൻവാങ്ങൽ വിജ്ഞാപനം.

By order of the Governor,

K. V. VIDYADHARAN,

Special Secretary to Government.

GOVERNMENT OF KERALA

Revenue (B) Department

NOTIFICATION

No. 57055/B1/82/RD. *Dated, Trivandrum, 15th January* 1983.

S. R. O. No. 818/83.—Under subsection (1) of section 52 of the Kerala Land Acquisition Act, 1961 (21 of 1962), the Government of Kerala hereby withdraw from the acquisition of the land mentioned in the Schedule hereto annexed in respect of which notification No. G. 12538/78 dated the 11th July, 1979 under subsection (1) of section 3 of the said Act has been published at page 2755 of Part III of the Kerala Gazette dated the 25th September, 1979 and declaration No. L. Dis. 3055/82 (LRC4) dated the 4th February, 1982 under section 6 of the said Act has been published at page 905 of Part III of the Kerala Gazette dated the 2nd March, 1982.

SCHEDULE

District—Cannanore *Taluk*—Cannanore
Amsom—Pappinisseri *Desom*—Pappinisseri

Survey No.—R. S. 50/2.
Classification Ryotwari wet.
Extent—0.0405 Hectare.

Explanatory Note

(This is not a part of notification but is intended to indicate the general purport).

There is a proposal to acquire 0.0405 hectare of land in R. S. No. 50/2 of Pappinisseri amsom desom in Cannanore Taluk for shifting kudikidappu of Sri Koyilerian Gopalan on allowing the application under section 75 (3) of the K. L. R. Act, 1963 filed by Sri Mullavalappil Abdullakunhi of Pappinisseri amsom desom in Cannanore Taluk. Now the applicant and kudikidappukaran have filed a joint petition before the Sub Collector Tellicherry on 31-5-1982 stating that the matter has been settled out of Court and that further action may be dropped. Accordingly the matter was taken up with the Government and the Government in their letter No. 40211/T1/82/RD dated 14-7-1982 have dropped further action in the matter. It is therefore necessary to withdraw from the above acquisition. No compensation under section 52 (2) of the K. L. A. Act is payable due to the withdrawal. The notification is intended to achieve the above object.

G. 160

എസ്. ആർ. ഒ. നമ്പർ 818/83.—1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21) 52-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പു പ്രകാരം കേരള സർക്കാർ ഇതോടൊന്നിച്ച് ചേർത്തിട്ടുള്ള പട്ടികയിൽ പറഞ്ഞിട്ടുള്ളതും അതു സംബന്ധിച്ച് പ്രസ്തുത ആക്ററ് 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പു പ്രകാരം 1979 ജൂലൈ 11-ാം തീയതിയിലെ ജി. 12538/78 എന്ന നമ്പർ വിജ്ഞാപനം 1979 സെപ്ററംബർ 25-ാം തീയതിയിലെ കേരള ഗസററ് 3-ാം ഭാഗം 2755-ാം പേജിൽ പരസ്യപ്പെടുത്തിയിട്ടുള്ളതും 6-ാം വകുപ്പു പ്രകാരം 1982 ഫെബ്രുവരി 4-ാം തീയതിയിലെ എൽ. ഡി സ്. 3055/82/ എൽ. ആർ. സി. 4 എന്ന നമ്പർ പ്രഖ്യാപനം 1982 മാർച്ച് 2-ാം തീയതിയിലെ കേരള ഗസററ് 3-ാം ഭാഗം 905—ാം പേജിൽ പരസ്യപ്പെടുത്തിയിട്ടുള്ളതുമായ സ്ഥലം വിലയ്ക്കെടുക്കുന്നതിൽ നിന്നും ഇതിനാൽ പിൻവാങ്ങുന്നു.

പട്ടിക

ജില്ല —കണ്ണൂർ
താലൂക്ക്—കണ്ണൂർ.
അംശം—പാപ്പിനിശ്ശേരി
ദേശം—പാപ്പിനിശ്ശേരി

സർവ്വെ നമ്പർ—റീസർവ്വെ 50/2
വിവരണം—റയിത്തുവാരി നിലം
വിസ്തീർണ്ണം— 0.0405 ഹെക്ടർ

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമല്ല. എന്നാൽ പൊതു ഉദ്ദേശം വെളിപ്പെടുത്തുന്നതിന് ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.)

1963-ലെ കേരള ഭൂപരിഷ്ക്കരണനിയമം 75 (3) വകുപ്പുപ്രകാരം കണ്ണൂർ താലൂക്ക്, പാപ്പിനിശ്ശേരി അംശം ദേശത്തിൽ മുല്ലവളപ്പിൽ ശ്രീ. അബ്ദുള്ള കുഞ്ഞി സമർപ്പിച്ച അപേക്ഷയനുവദിച്ചു കൊണ്ട് ശ്രീ. കൊയിലേറിയൻ ഗോപാലന്റെ കുടികിടപ്പ് മാററുന്നതിനുവേണ്ടി കണ്ണൂർ താലൂക്കിൽ പാപ്പിനിശ്ശേരി അംശം ദേശത്തിൽ റീസർവ്വേ 50/2 എന്ന നമ്പരിൽ 0.0405 ഹെക്ടർ സ്ഥലം വിലയ്ക്കെടുക്കുന്നതിനുള്ള ഒരു നിർദ്ദേശം ഉണ്ട്. ഇപ്പോൾ അപേക്ഷ, കോടതിമുഖേനയല്ലാതെ ഒത്തുതീർപ്പിൽ എത്തിയിട്ടുണ്ടെന്നും മേൽ നടപടികൾ ഉപേക്ഷിക്കേണ്ടതാണെന്നും കാണിച്ച് അപേക്ഷകനും കുടികിടപ്പുകാരനും ചേർന്നു ഒരു സംയുക്ത ഹർജി 31-5-1982-ൽ തലശ്ശേരി സബ്കളക്ടർ മുമ്പാകെ ഫയൽ ചെയ്തിട്ടുണ്ട്. അതനുസരിച്ച് ഇക്കാര്യം ഗവൺമെന്റിന്റെ ശ്രദ്ധയിൽ കൊണ്ടുവരികയും ഗവൺമെന്റ് 18-7-1982-ലെ 40211/ററി1/82/ആർഡി. നമ്പർ കത്തു മുഖാന്തിരം ഈ സംഗതിയിലെ മേൽനടപടികൾ ഉപേക്ഷിച്ചിട്ടുണ്ട്. അതിനാൽ മുകളിൽ പറഞ്ഞിട്ടുള്ള സ്ഥലമെടുപ്പു നടപടികളിൽ നിന്നും പിൻവാങ്ങുന്നത് ആവശ്യമായിരിക്കുന്നു. കേരള സ്ഥലമെടുപ്പ് 52(2) വകുപ്പു അനുസരിച്ച് ഈ പിൻവലിക്കൽ നടപടികൾകൊണ്ട് നഷ്ടപരിഹാരം നൽകേണ്ടതില്ല. മേൽപ്പറഞ്ഞ ലക്ഷ്യം നിറവേറുന്നതിനു ഉദ്ദേശിച്ചുള്ളതാണ് ഈ വിജ്ഞാപനം.

By order of the Governor,

K. NARAYANAN,

Deputy Secretary to Government.

GOVERNMENT OF KERALA

Water and Power (Electricity-B) Department

NOTIFIGATION

G. O. (Ms) No. 15/83/W&P. *Dated, Trivandrum, 20th April* 1983.

S. R. O. No. 821/83.—Whereas the Government of Kerala have taken up the Puyankutty Hydro-Electric Project;

And whereas, the Government of Kerala are of opinion that as a result of the above Project under taken by them (through the Kerala State Electrictity Board), there is likelihood of a speculative rise in the land value in the said Projeet Area;

Now, therefore, in exercise of the powers conferred by section 47 A of the Kerala Land Acquisition Act, 1961 (21 of 1962), the Government of Kerala hereby specify the area shown in the Schedule below as Project Area, namely:—

SCHEDULE

District:—Idukki Taluk:—Devicolam

Sl. No.	*Village*	*Name of Desam/Kara*
1	Kannan Devan Hill Village	Anamalakudy
2	do.	Idamalakudy
3	do.	Myladumpara
4	do.	Kudalar
5	do.	Chittukulam
6	do.	Kanjiravally
7	do.	Injathotty
8	do.	Mankulam
9	do.	Kuttampuzha
10	do.	Nymacadu
11	Mannamkandum	Kuttampuzha
12	do.	Valara

By order of the Governor,
G. GOPALAKRISHNA PILLAI,
Special Secretary to Government

G. 683 [P. T. O.]

Explanatory Note

(This is not part of the Notification but is intended to indicate its general purpose).

As per G. O. Ms. No. 211/80/PW&E dated 5-12-1980 the Government gave approval to take up the Puyankutty Hydro-Electric Project and subsequently as per G. O. (Ms) No. 12/81/PW&E dated 23-1-1981 Government have accorded administrative sanction to the estimate amounting to Rs. 200 lakhs for taking up the infrastructure and preliminary and aenabling works on the Scheme.

As a result of the undertaking of the said project there is likelihood of a speculative rise in the land value in the project area. It is therefore, found necessary to issue the notification under section 47A of the Kerala Land Acquisition Act, 1961.

GOVERNMENT OF KERALA

Revenue(B) Department

NOTIFICATION

No. 7322/B1/83/RD. *Dated, Trivandrum, 24th April* 1983.

S. R. O. No. 822/83.—Whereas in exercise of the powers conferred by clause (1) of Article 258 of the Constitution of India, the President has in Notification No. 2/4/63/Judl. II dated 31-5-1963 entrusted the Government of Kerala with their consent, the functions of the Central Government, under the Kerala Land Acquisition Act, 1961 (21 of 1962), in relation to the acquisition of land for the purpose of the Union in the State of Kerala;

And whereas, it appears to the Government of Kerala that the land specified in the schedule below is needed or is likely to be needed for a public purpose, to wit for construction of building for Weaver's Service Centre, Cannanore under the Ministry of Commerce, Government of India;

Now, therefore, notice to that effect is hereby given to all whom it may concern, in accordance with the provisions of subsection (1) of section 3 of the said Act.

SCHEDULE

District—Cannanore.

Taluk—Cannanore. *Village*—Cannanore-I.
Municipality—Cannanore. *Desom*—Cannanore Karar.

(The extent given is approximate)

Survey No.	*Description*	*Extent in hectare*
T. S. No. 781/1pt.	R. O. D.	0.1295

Explanatory Note

(This is not a part of the notification but is intended to indicate the general purport).

The Deputy Commissioner (Handloom), Ministry of Commerce, New-Delhi has applied for acquisition of an extent of 32 cents of land in Sy. No. mentioned in the notification for the construction of building for accommodating the Weaver's Service Centre, Cannanore functioning under the

Development Commissioner for Handloom, Government of India, Ministry of Commerce. So, in exercise of the powers conferred by clause 1 of Article 258 of the Constitution, the President of India in notification No. 2/4/63/Judl. II dated 31-5-1963 entrusted the Government of Kerala with their consent the functions of the Central Government under the Kerala Land Acquisition Act for acquisition of land for the above purpose. The notification is to achieve the above object.

എസ്. ആർ. ഒ. നമ്പർ 822/83.—ഇൻഡ്യൻ ഭരണഘടനയുടെ 258-ാം അനുച്ഛേദം (1)-ാം ഖണ്ഡം മൂലം നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച് രാഷ്ട്രപതി 31-5-1963-ലെ 2/4/63 ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപനപ്രകാരം കേരള സംസ്ഥാനത്ത് യൂണിയന്റെ ആവശ്യങ്ങൾക്കായി ഭൂമി വിലയ്ക്കെടുക്കുന്നത് സംബന്ധിച്ച് 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21) അനുസരിച്ചുള്ള കേന്ദ്ര സർക്കാരിന്റെ ചുമതലകൾ, കേരള സർക്കാരിനെ, അവരുടെ സമ്മതത്തോടു കൂടി ഭരമേൽപ്പിച്ചിരിക്കുന്നതിനാലും;

താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള ഭൂമി ഒരു പൊതുക്കാര്യത്തിന് അതായത് ഭാരത സർക്കാരിന്റെ വാണിജ്യ മന്ത്രികാര്യാലയത്തിന്റെ കീഴിൽ കണ്ണൂരിൽ വീവേഴ്സ് സർവീസ് സെൻററിനുവേണ്ടി കെട്ടിടം പണിയുന്നതിന് ആവശ്യമുണ്ടെന്നോ ആവശ്യമുണ്ടാകാൻ ഇടയുണ്ടെന്നോ കേരള സർക്കാരിനു തോന്നുന്നതിനാലും;

ഇപ്പോൾ അതിനാൽ, അതിനുള്ള നോട്ടീസ് ബന്ധപ്പെട്ട എല്ലാപേർക്കും പ്രസ്തുത ആക്റ്റ് 3-ാം വകുപ്പ് 1-ാം ഉപവകുപ്പിലെ വ്യവസ്ഥകളനുസരിച്ച് ഇതിനാൽ നൽകുന്നു.

പട്ടിക

ജില്ല—കണ്ണൂർ

താലൂക്ക്—കണ്ണൂർ | വില്ലേജ്—കണ്ണൂർ I

മുനിസിപ്പാലിററി—കണ്ണൂർ | ദേശം—കണ്ണൂർ കരാർ

(ഏകദേശ വിസ്തീർണ്ണമാണ് കൊടുത്തിരിക്കുന്നത്)

സർവ്വെ നമ്പർ	വിവരണം	വിസ്തീർണ്ണം (ഹെക്ടറിൽ)
ററി. എസ്. നമ്പർ 781/1പി. ടി.	ആർ. ഒ. ഡി.	0.1295

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഒരു ഭാഗമല്ല. എന്നാൽ പൊതു ഉദ്ദേശം വ്യക്തമാക്കുന്നതിനുദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്).

ന്യൂഡൽഹി വാണിജ്യമന്ത്രികാര്യാലയത്തിലെ (ഹാൻഡ്‌ലൂം) ഡെപ്യൂട്ടി കമ്മീഷണർ, വിജ്ഞാപനത്തിൽ പറഞ്ഞിരിക്കുന്ന സർവ്വേ നമ്പരിലുള്ള 32 സെൻറ് വിസ്തീർണ്ണമുള്ള ഭൂമി, ഭാരത സർക്കാർ വാണിജ്യ മന്ത്രി

കാര്യാലയത്തിലെ ഹാൻഡ്‌ലൂം ഡവലപ്പ്മെൻറ് കമ്മീഷണറുടെ കീഴിൽ പ്രവർത്തിച്ചുകൊണ്ടിരിക്കുന്ന കണ്ണൂർ വീവേഴ്സ് സർവീസ് സെൻററിനു വേണ്ടി കെട്ടിടം പണിയുന്നതിന് പൊന്നുംവിലയ്ക്കെടുക്കണമെന്ന് അപേക്ഷിച്ചിരിക്കുന്നു. അതുകൊണ്ട് ഭരണഘടനയുടെ 258-ാം അനുച്ഛേദം (1)-ാം ഖണ്ഡംമൂലം നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച് രാഷ്ട്രപതി 31-5-1963-ലെ 2/4/63 ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപനപ്രകാരം മുകളിൽ പറഞ്ഞ ആവശ്യത്തിനുവേണ്ടി ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനു കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് പ്രകാരമുള്ള കേന്ദ്ര സർക്കാരിൻെറ ചുമതലകൾ കേരള സർക്കാരിനെ അവരുടെ സമ്മതത്തോടുകൂടി ഭരമേൽപ്പിച്ചിരിക്കുന്നു. മേൽപ്പറഞ്ഞ ഉദ്ദേശം സാധിക്കുന്നതിനുള്ളതാണ് ഈ വിജ്ഞാപനം.

By order of the Governor,
C. S. Sivasankaran,
Additional Secretary to Government.

18-ാം തീയതിയിലെ കേരള ഗസററിൽ 3-ാം ഭാഗം 224-ാം പേജിൽ പ്രസിദ്ധീകരിച്ച പ്രസ്തുത ആക്ട് 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പു പ്രകാരമുള്ള 1976 ഡിസംബർ 22-ാം തീയതിയിലെ ബി. 1/16893/76-ാം നമ്പർ വിജ്ഞാപനം പുറപ്പെടുവിച്ചുകൊണ്ട് കാർത്തികപ്പള്ളി തഹസിൽദാർ സ്ഥലമെടുപ്പ് നടപടികൾ ആരംഭിച്ചിട്ടുള്ള ഭൂമി വിലക്കെടുക്കുന്നതിൽ നിന്നും ഇതിനാൽ പിൻവാങ്ങുന്നു.

പട്ടിക

ജില്ല—ആലപ്പുഴ

താലൂക്ക്—കാർത്തികപ്പള്ളി

വില്ലേജ്—മുതുകുളം

ക്രമനമ്പർ	സർവ്വേ നമ്പർ	വിവരണം	വിസ്തീർണ്ണം ആർ.
1	5710/3	നിലം	00.52
2	6038/2	,,	00.50
		ആകെ	1.02

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമല്ല. എന്നാൽ പൊതു ഉദ്ദേശം വെളിപ്പെടുത്തുന്നതിനു വേണ്ടിയുള്ളതാണ്.)

മുതുകുളം പഞ്ചായത്തിൽ ഒരു പൊതുവഴി നിർമ്മിക്കുന്നതിനുവേണ്ടി കേരള സ്ഥലമെടുപ്പു ആക്ററ് 3 (1) വകുപ്പുപ്രകാരം മുതുകുളം വില്ലേജിലെ 5710/3, 6038/2 എന്നീ സർവ്വെ നമ്പരുകളിലെ 01.02 ആർ (2.600 സെൻറ്) ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനു മുതുകുളം പഞ്ചായത്ത് എക്സിക്യൂട്ടീവ് ആഫീസർ കാർത്തികപ്പള്ളി തഹസീൽദാരോടു ആവശ്യപ്പെട്ടതനുസരിച്ച് വിജ്ഞാപനം പുറപ്പെടുവിക്കുകയുണ്ടായി. എന്നാൽ പ്രസ്തുത വഴിക്കു സമീപത്തുകൂടി കൂടുതൽ സൗകര്യപ്രദമായ മറെറാരു വഴി നാട്ടുകാർ നിർമ്മിച്ചതിനാൽ ഭൂമി വിലയ്ക്കെടുക്കേണ്ട ആവശ്യമില്ലെന്ന് മുതുകുളം പഞ്ചായത്ത് എക്സിക്യൂട്ടീവ് ആഫീസർ 15-9-1981-ലെ 36/77 എന്ന സൂചന മുഖേന അറിയിച്ചു. അതിനാലാണ് ഈ പിൻവാങ്ങൽ വിജ്ഞാപനം.

By order of the Governor,

MARO C. JOHN,

Deputy Secretary to Government.